NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Charles Street Materials Recovery Facility

PROJECT FILE NUMBER: SP14-058

PROJECT DESCRIPTION: Special Use Permit to expand operations of an existing materials recovery facility (MRF) at 625 Charles Street, by incorporating the existing MRF operations on 575 Charles Street, adjacent to the site, and increasing combined permitted tonnage from 2,500 tons per day (TPD) to 3,500 TPD on combined 8.99 gross acre site. Materials processed include curbside recyclables, municipal solid waste, yard waste, household hazardous waste, food waste. Materials are received on site, sorted, loaded onto transfer trailers, and transported to final disposal sites.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 575 and 625 Charles Street (APNs 237-06-057 and 237-06-094).

COUNCIL DISTRICT: 3.

APPLICANT CONTACT INFORMATION: Greenwaste Recovery, Inc. 1500 Berger Drive, San Jose, CA 95112 (Attn: Frank Weigel).

FINDING: The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies no significant effects on the environment.

NO MITIGATION MEASURES ARE INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

I. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.

II. **AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.

III. **AIR QUALITY.** The project will not have a significant air quality impact, therefore no mitigation is required.

IV. **BIOLOGICAL RESOURCES.** The project will not have a significant biological resources impact, therefore no mitigation is required.

V. **CULTURAL RESOURCES.** The project will not have a significant impact to cultural resources, therefore no mitigation is required.

VI. **GEOLOGY AND SOILS.** The project will not have a significant geologic impact, therefore no mitigation is required.

VII. **GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact to greenhouse gas emissions, therefore no mitigation is required.

VIII. **HAZARDS AND HAZARDOUS MATERIALS.** The project will not have a significant impact on hazards and hazardous materials, therefore no mitigation is required.

IX. **HYDROLOGY AND WATER QUALITY.** The project will not have a significant impact on hydrology and water quality, therefore no mitigation is required.

X. **LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.

XI. **MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.

XII. **NOISE.** The project will not have a significant impact on noise, therefore no mitigation is required.

XIII. **POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.

XIV. **PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.

XV. **RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.

XVI. **TRANSPORTATION / TRAFFIC.** The project will not have a significant impact on transportation or traffic, therefore no mitigation is required.

XVII. **UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.

XVIII. **MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **July 8, 2015,** any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Harry Freitas, Director
Planning, Building and Code Enforcement

Deputy

Circulation period, from June 8, 2015 to July 8, 2015.

Initial Study

Charles Street MRF

File No. SP14-058

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

June 2015

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FIGURES

APPENDICES

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts was prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 *et.seq.*), and the regulations and policies of the City of San José (referred to as "the City" hereafter), California. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated by combining two resource recovery and waste processing operations located at 575 and 625 Charles Street in San Jose, and increasing their combined throughput from 2,500 tons per day to 3,500 tons per day.

All documents referenced in this Initial Study are available for public review in the Office of Planning, Building, and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE AND FILE NUMBER

Charles Street Material Recovery Facility (MRF)

2.2 PROJECT LOCATION

The project is located at 575 and 625 Charles Street in the City of San José. Regional, vicinity, and aerial maps are shown on Figures 2.2-1 through 2.2-3.

2.3 ADDRESS AND ASSESSOR'S PARCEL NUMBERS

Address	**Assessor's Parcel Number**
575 Charles Street, San Jose, CA 95112	237-06-057
625 Charles Street, San Jose, CA 95112	237-06-094

2.4 GENERAL PLAN DESIGNATION, DEVELOPMENT POLICY, ZONING DESIGNATION, AND PRIOR DEVELOPMENT PERMIT

General Plan Designation: *Heavy Industrial*

Existing Zoning Designation: *Heavy Industrial*

2.5 HABITAT PLAN DESIGNATIONS

Land Cover Designation: *Urban-Suburban*

Development Zone: *Private Development Covered*

Fee Zone: *Urban Areas (No Land Cover Fees)*

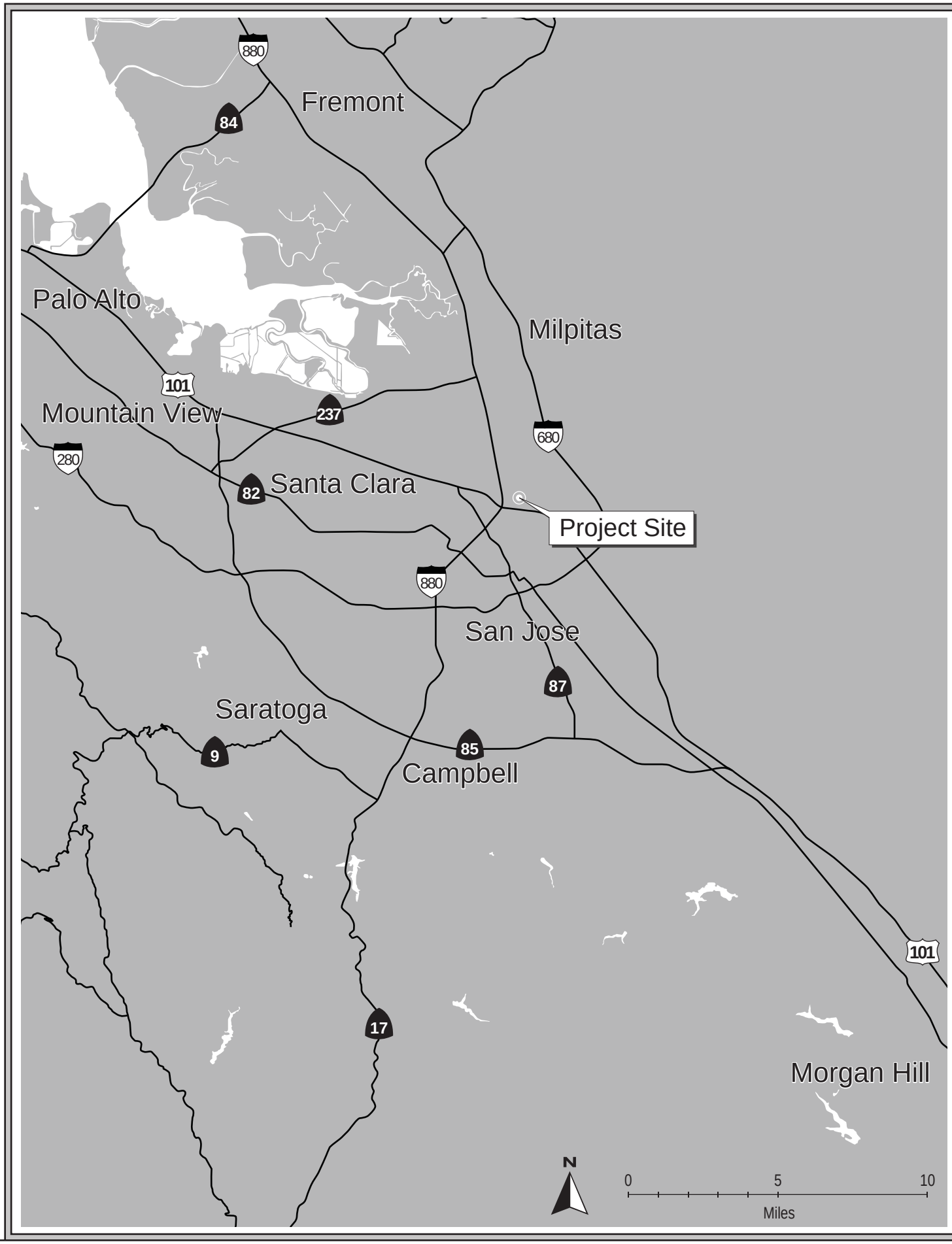
Wildlife Survey Area: *None*

Known Occurrences of Covered Plants: *None*

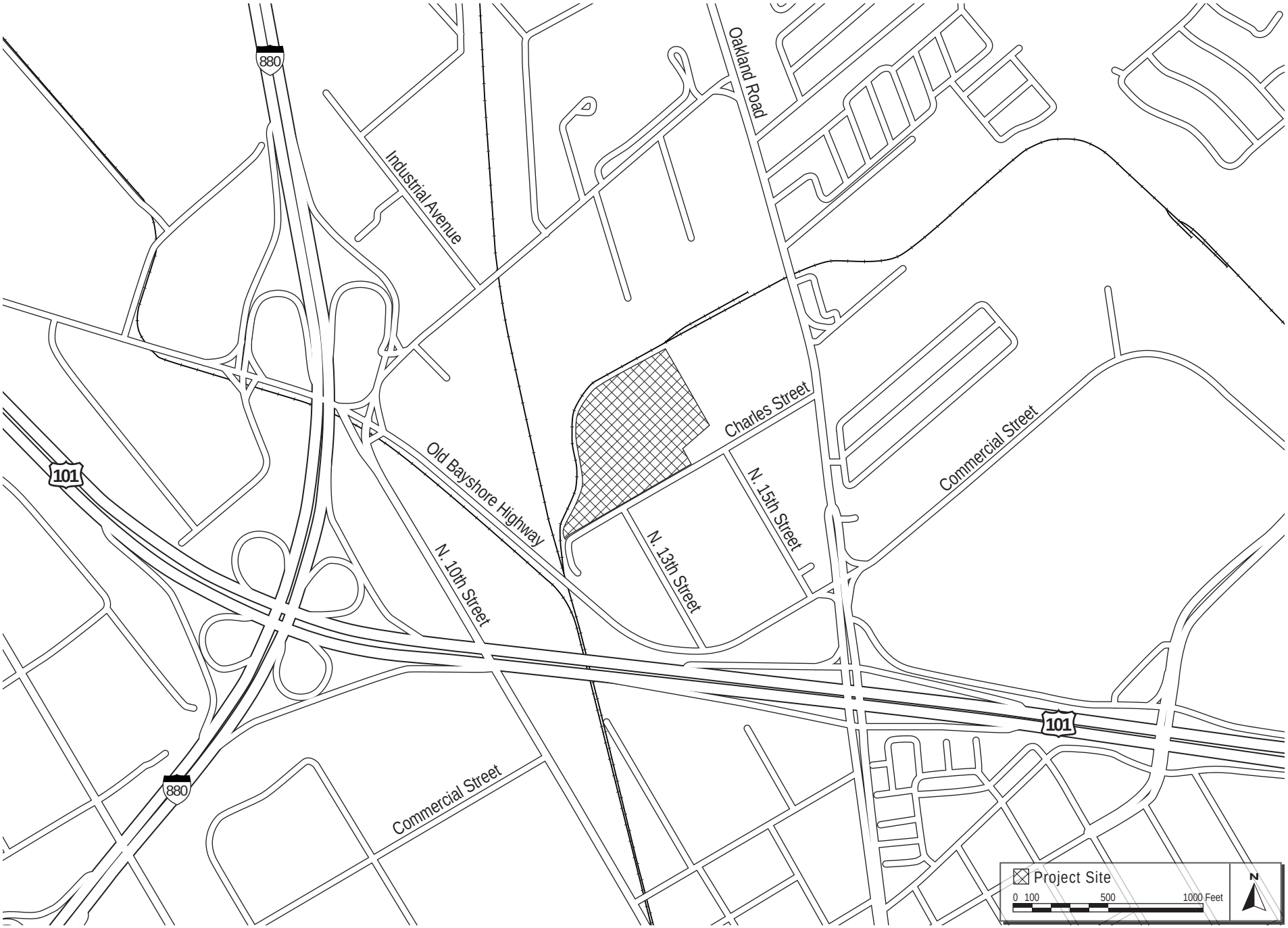
Category 1 Streams and Setback: *No*

2.6 PROJECT-RELATED APPROVALS

Special Use Permit and Solid Waste Facility Permit.

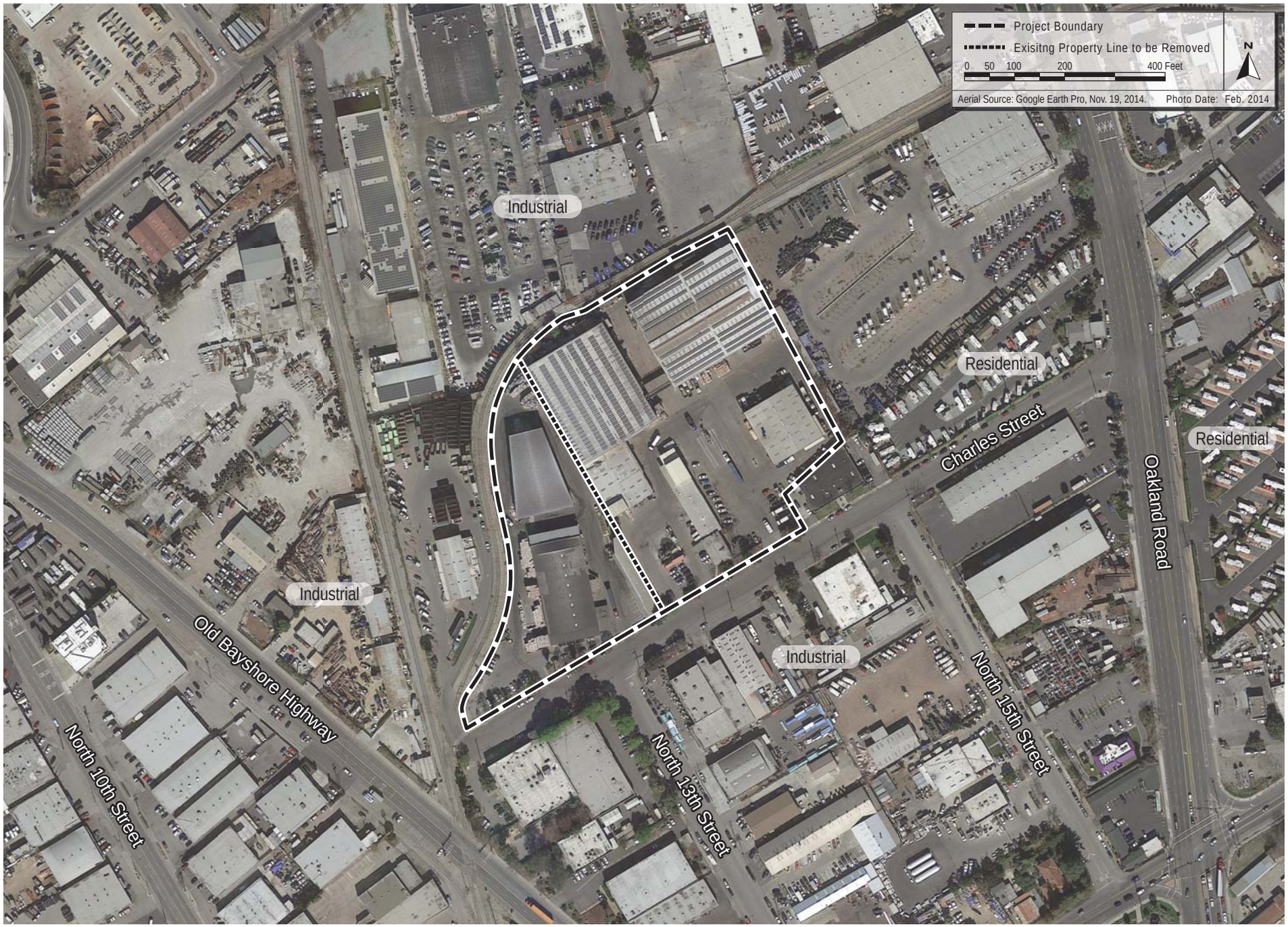


REGIONAL MAP FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND

Two adjacent properties on Charles Street in San Jose currently operate as waste management and resource recovery facilities:

- 625 Charles Street (APN 237-06-094): The 6.05-acre GreenWaste Material Recovery Facility (MRF) and Direct Transfer Facility (DTF) accepts a variety of solid waste for sorting, recovery, and transfer, including yard waste, construction and demolition debris, commercial and curbside recyclables, food waste, and municipal solid waste (MSW). The facility is permitted to process up to 2,000 tons per day (TPD) of throughput, and operates under a Solid Waste Facility Permit.

- 575 Charles Street (APN 237-06-057): The 2.94-acre GreenTeam MRF and DTF accepts mixed recyclables from residential and municipal land uses for sorting and transfer. The facility also accepts MSW for direct transfer. The facility is permitted to process 500 TPD of throughput, and operates under a Special Use Permit.

3.2 PROJECT DESCRIPTION

The project proposes to combine the two adjacent waste management and resource recovery facilities on Charles Street into one operation on an 8.99-acre site that would operate under a new Solid Waste Facilities Permit. Currently, the combined permitted throughput of the two facilities is 2,500 TPD. The proposed project would allow an increase in the permitted throughput of the combined operation to 3,500 TPD. By combining the two facilities, the hours of operation at 575 Charles Street are proposed to increase to 24 hours per day from its current 6 AM to 12 AM operation. Sorting and processing equipment currently on the 8.99-acre site would be replaced and/or existing sorting and transfer operations may be relocated within the combined site boundaries. A comparison of the existing and proposed conditions on the site is included in Table 3.2-1 and described in further detail below.

Table 3.2-1
Existing and Proposed Conditions on the Site

	Existing Conditions (625 Charles St.)	**Existing Conditions (575 Charles St.)**	**Proposed Permit Conditions**	***Change***
Acreage	6.05	2.94	8.99	*No Change*
Maximum Daily Processing (TPD)	2,000	500	3,500	*+ 1,000*
Hours of Operation	24 hours	6 AM - 12 AM	24 hours	*Increase at 575 Charles St.*
Buildings in Square Feet (sf)	95,450	38,090 (includes 18,090 sf canopy)	133,540 (includes 18,090 sf canopy)	*No Change*
Employees	178	52	236	*+ 6*

Existing Conditions

The waste categories currently processed on the project site include yard waste, construction and demolition debris, commercial and curbside recyclables, and solid waste feedstock for composting.

The 625 Charles Street Facility is currently permitted to process up to 2,000 TPD of any of the waste materials listed above, in accordance with Special Use Permit Amendment SPA06-094-01. The permit allows for 24-hour operations. The facility has a holding time of 48 hours for waste materials, consistent with California Code of Regulations Title 14.

The 575 Charles Street Facility began operation when a Solid Waste Facility Permit, which stipulates tonnage limits, was not required. Although regulations have since changed, the facility was grandfathered a continued exemption. The facility currently operates under three different permit conditions. The MRF (Building G), which processes commercial and curbside recyclables, is permitted to operate 24 hours per day in accordance with the Site Development Permit H92-09-052. The Canopy (Building H), which functions as a recyclables holding area, is permitted to operate from 6:00 AM to 12:00 AM in accordance with SP06-086. The direct transfer operation, which occurs outdoors, is permitted to operate 6:00 AM to 12:00 AM in accordance with the registered Solid Waste Facility Permit. The facility is permitted to process up to 500 TPD of any of the waste material listed above.

Figures 3.1-1 and 3.1-2 show the current configuration of waste processing activities on the project site.

Proposed Project Conditions

The project proponent is requesting that the City of San Jose approve a Special Use Permit and that the Lead Enforcement Agency (LEA) approve a Solid Waste Facility Permit to combine the two existing facilities and allow an increase in the overall amount of recyclables and compostable waste processed and solid waste transferred from 2,500 TPD to 3,500 TPD. The types of waste processed on the site would not change with the proposed project. It is proposed that the combined facility be permitted to process 3,500 TPD of any of the waste materials listed above. The facility would have 24-hour operations, with a holding time of 48 hours for waste materials, consistent with California Code of Regulations Title 14.

Figure 3.1-3 shows the proposed configuration of waste processing activities on the project site.

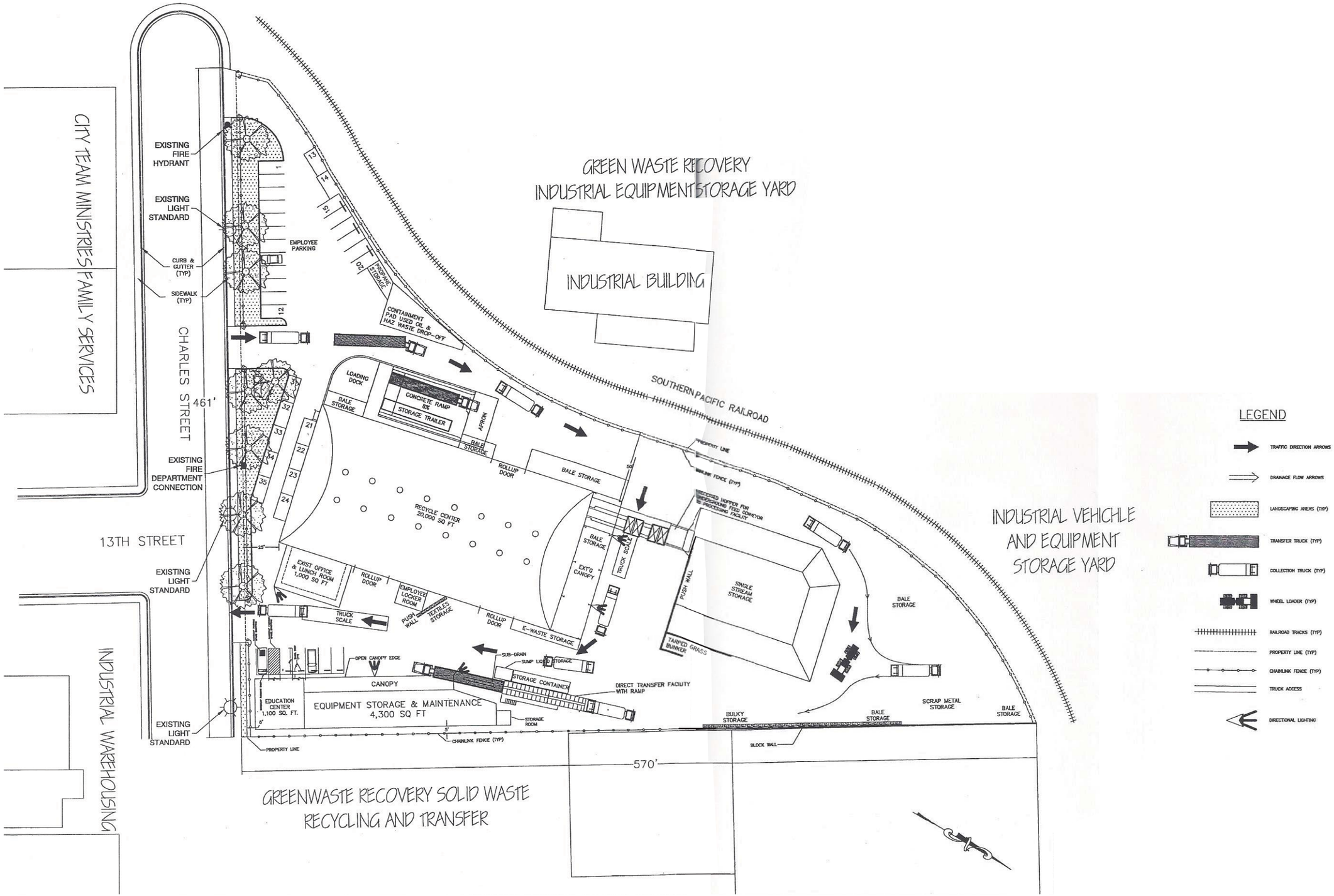
3.2.2 Site Access and Circulation

Vehicular access to the 625 Charles Street property is currently provided via three driveways on Charles Street. Trucks carrying waste materials travel west on Charles Street and enter the facility through the easternmost driveway, are weighed on truck scales, and proceed to tipping areas in the northern portion of the site. Trucks then exit through one of the three driveways, depending on which portion of the facility they utilized, and proceed east on Charles Street.

Vehicular access to the 575 Charles Street facility is currently provided via two driveways on Charles Street. Trucks carrying waste materials travel west on Charles Street and enter the facility through

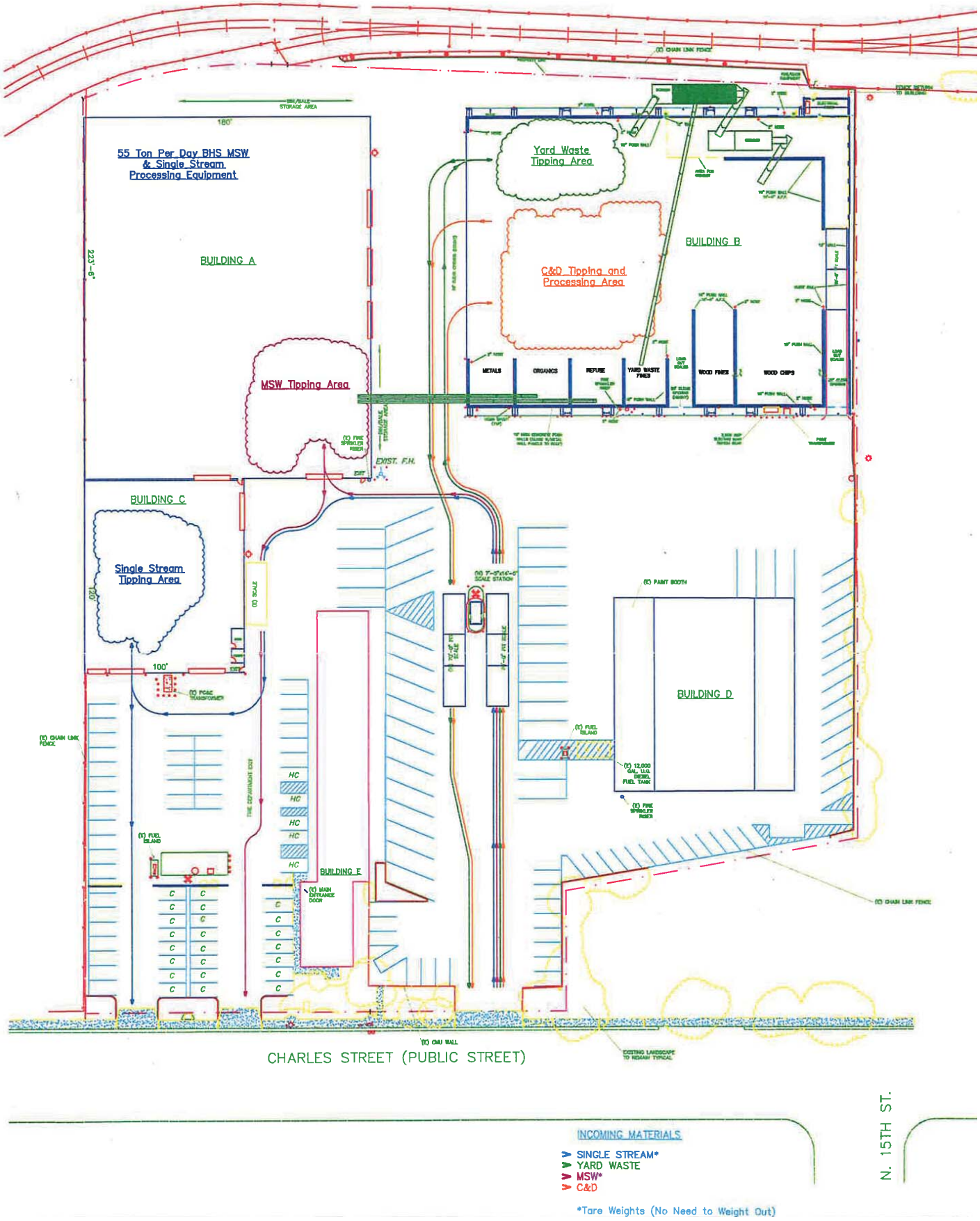
the western driveway, are weighed on truck scales, and proceed to the tipping area in the northern portion of the facility. Trucks then exit through the eastern driveway and travel east on Charles Street.

Trucks carrying waste and recovered materials are expected to maintain the same basic ingress and egress patterns. The project would utilize an internal linkage between the two sites. This would allow equipment such as loaders to transfer waste materials between the two sites without utilizing Charles Street.

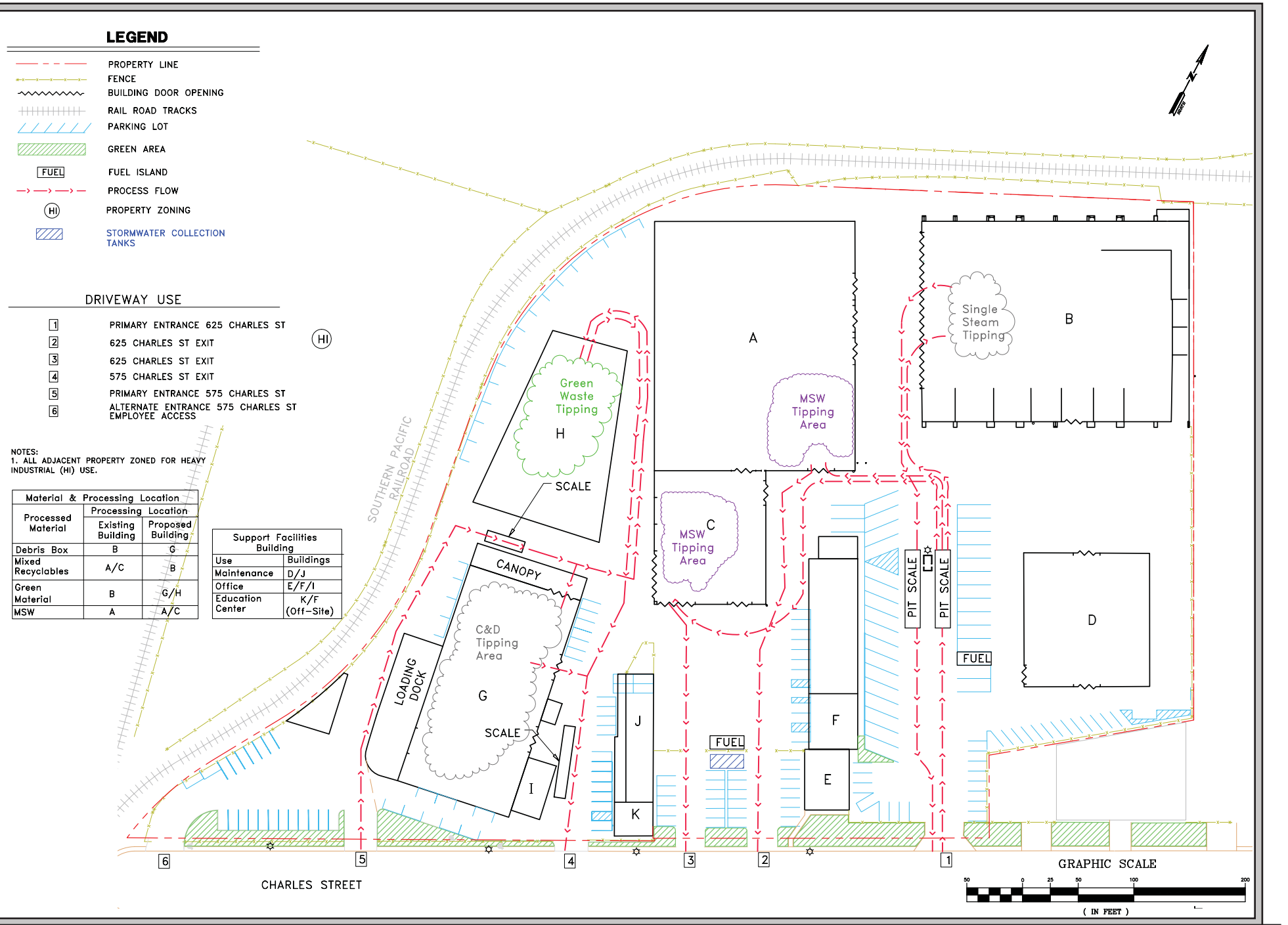


EXISTING SITE PLAN FOR 575 CHARLES STREET

FIGURE 3.1-1



EXISTING SITE PLAN FOR 625 CHARLES STREET FIGURE 3.1-2



CONCEPTUAL SITE PLAN FOR COMBINED FACILITY

FIGURE 3.1-3

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist cites the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370). Measures that are standard and required by the City or law are categorized as "Standard Permit Conditions." All measures shall be printed on all documents, contracts, and project plans.

For purposes of this Initial Study, the approximately 8.99-acre area constituting the combined properties at 575 and 625 Charles Street is referred to as the "project site."

4.1 AESTHETICS

4.1.1 Setting

The project area is primarily industrial in nature, with the exception of a recreational vehicle (RV) trailer park located directly east of the site on Charles Street. The surrounding industrial buildings are typically 15 to 20 feet tall and have security fences (some with barbed wire), around their perimeters. Landscape trees are found along the perimeters of most properties. Most surrounding properties are also equipped with security lighting typical of heavy industrial uses with outdoor storage areas.

The project site is currently used for waste sorting and recycling purposes, as shown in Photos 1-4. Several warehouse buildings of various sizes are located on the site. Street trees and screening fencing are located along the site's frontage with Charles Street. The fencing extends around the entire perimeter of the site, with additional trees located on the northern and eastern property lines.

4.1.1.1 *Regulatory Background*

Outdoor Lighting Policy

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) promotes energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

PHOTO 1: View of the 575 Charles Street facility, looking north.

PHOTO 2: View of the 575 Charles Street facility, looking north.

PHOTOS 1 AND 2

PHOTO 3: View of the 625 Charles Street facility, looking north.

PHOTO 4: View of the 625 Charles Street facility, looking north.

4.1.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1, 2
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1, 2
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1, 2
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1, 2

4.1.2.1 Aesthetic Impacts

Scenic Vistas and Other Scenic Resources (Checklist Questions 1 – 2)

The site is not located along a State scenic highway. There are no designated scenic vistas or scenic resources in the vicinity of the project site; therefore, the project will not have an adverse effect on these resources. **(No Impact)**

Visual Character (Checklist Question 3)

Under the proposed project, sorting and processing equipment would be relocated within the site. The project does not propose any new structures. The visual character of this industrial site would not change substantially. The existing warehouse buildings on the site would remain. The proposed project, therefore, would not substantially degrade the existing visual character or quality of the site and its surroundings. **(Less Than Significant Impact)**

Light and Glare (Checklist Question 4)

Nighttime activities associated with waste sorting and processing currently occur on the site. The project would not add any new sources of light and glare. However, operations on the 575 Charles Street property are currently limited to between 6 AM and 12 PM. The proposed change in operating hours on this property to 24 hours a day would result in an increase in nighttime activities requiring light. However, existing activities on the 625 Charles Street property, which is directly adjacent to the 575 Charles Street property and is located closer to the adjacent RV park, already occur up to 24 hours a day. Lighting on the site would be consistent with City policies and regulations, includeing the Outdoor Lighting Policy and Industrial Design Guidelines. For these reasons, the project would not create a new source of substantial light or glare which will adversely affect day or nighttime views in the area **(Less Than Significant Impact)**

4.1.3 Conclusion

The proposed project would have a less than significant visual and aesthetic impact. **(Less Than Significant Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Setting

The project site is in an industrial area in the City of San José. According to the Santa Clara County Farmland Map 2012, the subject site is designated as *Urban and Built-up Land*. *Urban and Built-up Land* is defined as residential land with a density of at least six units per ten acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. No forest land or timberland, as defined in Public Resources Code Section 12220(g), is located near the project site.

4.2.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1, 4
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1, 5
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	1, 2, 3
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1

4.2.2.1 *Agricultural and Forest Resources Impacts* (Checklist Questions 1- 5)

Agricultural uses have not occurred on or adjacent to the project site for several decades. The property is not subject to a Williamson Act contract and is not mapped as farmland, timberland, or as a forest resource. The proposed project would not affect farmland or agricultural uses in any way.

The project site does not include forest land, nor has any timberland production taken place on the project site. The proposed project would not affect forest land or timberland uses in any way. **(No Impact)**

4.2.3 Conclusion

The proposed project would have no impact on agricultural land, forest land, timberland, or agricultural activities. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based upon an air quality analysis prepared by *Illingworth & Rodkin, Inc.* in October 2014. This report is included as Appendix A of this Initial Study.

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of the pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sunshine.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

Existing Emissions from the Site

Existing sources of emissions associated with the waste processing and resource recovery operations at the two facilities located on the site include emissions from mobile sources. Mobile sources, including trucks and employee vehicles traveling to and from the site and on-site mobile equipment such as loaders, are sources of local and regional pollutants including carbon monoxide, nitrogen oxides, and particulate matter. Diesel-fueled vehicles and equipment are also sources of diesel particulates and other toxic air contaminants associated with combustion.

Odors

Nuisance odors associated with solid waste facilities are generally caused by decomposing garbage and composting activities. Although the facilities on the site do not store garbage or compost materials for extended periods of time, the putrescible waste that is processed on the site can be a source of odor.

The closest sensitive odor receptors are the residents of the RV park located directly adjacent to the site on Charles Street. A search of public records dating back to January 1, 2010 revealed that there have been no odor complaints reported to BAAQMD regarding the two facilities on the site.[1]

4.3.1.1 *Regulatory Setting*

National Ambient Air Quality Standards

As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for six major air pollutants: carbon monoxide (CO), nitrogen oxides (NO_X), ozone (O_3), particulate matter (PM_{10} and $PM_{2.5}$), sulfur oxides, and lead. Pursuant to the California Clean Air Act, the state has also established the California Ambient Air Quality Standards (CAAQS), which are generally more stringent than the corresponding federal standards. The Bay Area Air Quality

[1] Bay Area Air Quality Management District, Administrative Services Division, November 25, 2014.

Management District (BAAQMD) is primarily responsible for assuring that the national and state ambient air quality standards are attained and maintained in the San Francisco Bay Air Basin.

Santa Clara County, and the Bay Area as a whole, is classified as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$ under federal law. The county is either in attainment or unclassified for other pollutants.

Ozone, often called photochemical smog, is classified as a secondary air pollutant, meaning it is not emitted directly into the air. It is created by the action of sunlight on ozone precursors, primarily reactive hydrocarbons and NO_X. The major sources of ozone precursors include combustion sources such as factories and automobiles and evaporation of solvents and fuels. The main public health concerns associated with ground level ozone pollution are eye irritation and impairment of respiratory functions.

PM_{10} consists of solid and liquid particles of dust, soot, aerosols, and other matter which are less than 10 microns in diameter. Major sources of PM_{10} are combustion (including automobile engines – particularly diesel, fires, and factories) and dust from paved and unpaved roads. Public health concerns associated with PM_{10} include aggravation of chronic disease and heart/lung disease symptoms.

$PM_{2.5}$, also known as Fine Particulate Matter, consists of the same type of matter as PM_{10}, but is less than 2.5 microns in diameter. The major source of $PM_{2.5}$ is combustion, but the particles can also be formed by chemical changes occurring in the air. $PM_{2.5}$ can cause respiratory problems and is of particular concern because the particles can penetrate deeper into the lungs.

The region is required to adopt clean air plans on a triennial basis that show progress towards meeting the state ozone standard. The latest regional plan was adopted in September 2010. This plan includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources through the expeditious implementation of all feasible measures, including transportation control measures (TCMs) and programs such as "Spare the Air."[2]

Toxic Air Contaminants

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer or serious illness) and include, but are not limited to, criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a highway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level. The identification, regulation, and monitoring of TACs is relatively new compared to that for criteria air pollutants that have established ambient air quality standards. TACs are regulated or evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

[2] Bay Area Air Quality Management District, *2010 Clean Air Plan*, September 15, 2010.

Diesel Particulate Matter

Diesel exhaust, in the form of diesel particulate matter (DPM), is the predominant TAC in urban air with the potential to cause cancer. It is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). According to the California Air Resource Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the federal Hazardous Air Pollutants programs. California has adopted a comprehensive diesel risk reduction program. The U.S. Environmental Protection Agency (EPA) and the CARB have adopted low-sulfur diesel fuel standards in 2006 that reduces diesel particulate matter substantially. The CARB recently adopted new regulations requiring the retrofit and/or replacement of construction equipment, on-highway diesel trucks, and diesel buses in order to lower fine particulate matter (PM2.5) emissions and reduce statewide cancer risk from diesel exhaust.

Fine Particulate Matter (PM2.5)

Particulate matter in excess of state and federal standards represents another challenge for the Bay Area. Elevated concentrations of PM2.5 are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill are likely to be located. These facilities include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, and people with illnesses. Examples include schools, hospitals and residential areas. The nearest sensitive receptors to the project site are the RV residences located directly east of the site on Charles Street.

General Plan

The *Envision San José 2040 General Plan* includes the following air quality policies applicable to the proposed project:

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

4.3.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1, 6, 7
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1, 6, 7
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1, 6, 7
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1, 6, 7
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1, 6

4.3.2.1 *CEQA Thresholds*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José, and other jurisdictions in the San Francisco Bay Area Air Basin, often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

Thresholds prepared and adopted by BAAQMD in May 2011 were the subject of a lawsuit by the California Building Industry Association (BIA)[3] and a subsequent appeal by BAAQMD.[4] The Appellate Court decision on August 13, 2013 upheld the thresholds as valid. The Appellate Court's decision was subsequently appealed to the California Supreme Court, which granted limited review and before whom the matter is still pending as of January 2015.

The determination of whether a project may have a significant effect on the environment is subject to the discretion of each lead agency, based upon substantial evidence. The issues in the California Building Industry Association v. BAAQMD lawsuit are not relevant to the scientific basis of BAAQMD's analysis of what levels of pollutants should be deemed significant. The City has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the 2011 thresholds and, therefore, has determined the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. *CEQA Air Quality Guidelines*. Updated May 2011.
- BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance.* October 2009.
- California Air Pollution Control Officers Association. *Health Risk Assessments for Proposed Land Use Projects*. July 2009.
- California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective.* 2005.

The analysis in the Initial Study is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-1.

Table 4.3-1 BAAQMD Thresholds of Significance Used in Air Quality Analyses

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10

[3] *California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693)

[4] *California Building Industry Association v. Bay Area Air Quality Management District*, Cal. Ct. App. 1st, Case No. A135335, August 13, 2013. The Appellate Court ruled that the BAAQMD CEQA thresholds were adopted using a valid public review process and were supported by substantial evidence.

Table 4.3-1 BAAQMD Thresholds of Significance Used in Air Quality Analyses			
Pollutant	**Construction**	**Operation-Related**	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Maximum Annual Emissions (tons/year)**
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 μ/m^3 [Zone of influence: 1,000-foot radius from property line of source or receptor]	
Sources: *Bay Area Air Quality Management District CEQA Guidelines (updated May 2011) and BAAQMD. Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance. October 2009.*			

4.3.2.2 *Clean Air Plan Consistency (Checklist Question 1)*

For air quality plan consistency determinations, the BAAQMD recommends that agencies analyze the project with respect to the following questions: (1) does the project support the primary goals of the air quality plan; (2) does the project include applicable control measures from the air quality plan; and (3) does the project not disrupt or hinder implementation of any 2010 CAP control measures? If all the questions are concluded in the affirmative, BAAQMD considers the project consistent with air quality plans prepared for the Bay Area. If approval of the project would not result in significant and unavoidable air quality impacts after the application of mitigation, then the project would be considered consistent with the 2010 CAP.

As discussed below in Section 4.3.2.3, emissions from the proposed project would not exceed the identified guidelines or thresholds; therefore, the project would support the primary goals of the 2010 CAP. As mentioned above, projects that incorporate all feasible air quality plan control measures are considered consistent with the 2010 CAP. Because the project does not propose any physical development, would not change the land use on the project site, or result in any additional employment, there appear to be no 2010 CAP control measures that would be directly applicable to the proposed project.

The project would support the primary goals of the 2010 CAP and it would not disrupt or hinder implementation of any 2010 CAP control measures. The project will not hinder the implementation of the CAP control measures and will not conflict with or obstruct implementation of the 2010 CAP. The project by itself, therefore, will not result in a significant impact related to consistency with the Bay Area 2010 Clean Air Plan. **(Less Than Significant Impact)**

4.3.2.3 *Construction and Operational Air Quality Impacts (Checklist Questions 2 through 4)*

Construction Air Quality Impacts

Although equipment may be relocated within the site to facilitate processing, the project does not propose construction of new buildings. For this reason, construction air quality impacts would be less than significant. **(Less Than Significant Impact)**

Operational Air Quality Impacts

Operation of the facilities on the site generates criteria air pollutant emissions from two types of sources: 1) operation of mobile diesel equipment on site, and 2) truck traffic associated with the facility. Currently, the two facilities operate an assortment of mobile equipment that includes loaders, excavators, forklifts, and manlifts. There are currently 27 pieces of diesel-fueled equipment operated by both facilities combined. Under the proposed project, up to seven pieces of equipment would be removed and one new loader would be added. The addition of electrically-powered equipment and the combination of the two facilities to increase efficiency are expected to result in a net reduction in the use of diesel equipment. Therefore, these emissions would decrease. As a result, the change in emissions from diesel equipment usage was not computed.

Truck traffic circulation would change as a result of the proposed project. The proposed project would increase throughput by 1,000 tons per day, resulting in 256 new truck trips per day at the facility. Approximately 192 (or 75 percent) of those new trips would be collection vehicles (medium duty) and 64 (or 25 percent) would be transfer trucks (heavy heavy duty). This means on a daily basis there is an average of 96 actual collection vehicles and 32 actual transfer trucks accessing the site, each making one trip to the site and then one trip away from the site. While these trips would be new to the facility, they would not necessarily be new to the region, since this waste is already currently being collected and transferred to an end location. However, with the 1,000 tons per day of waste now being diverted to the project site instead of its current destination, the travel lengths associated with this waste collection and transfer would change, with some trips becoming longer and some becoming shorter. An analysis of the truck travel characteristics indicates that total vehicles miles traveled per day for solid waste collection vehicles would decrease by 1,056 miles and the vehicle miles traveled per day for transfer trucks would increase by 2,446 miles per day. Appendix A includes the analysis of truck vehicle miles per day.

Emissions associated with the change in truck travel were computed using the CalEEMod model. Two model runs were developed. One model run included the reduction of waste collection vehicle travel, modeled as medium heavy duty trucks and the other developed to represent the increase in transfer truck travel, modeled as heavy heavy duty trucks. The number of trips and travel length were adjusted to represent the daily change in vehicle miles traveled for each category. Average

daily emissions were computed based on an estimate of 260 days of operation per year. As shown in Table 4.3-2, new criteria pollutant emissions resulting from the project would not exceed relevant significance thresholds. **(Less Than Significant Impact)**

Table 4.3-2: Project Criteria Pollutant Emissions				
	Emissions in tons/year (pounds/day)			
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Decrease in Collection Truck Travel -1,056 miles per day	-0.14 (-1.1)	-1.31 (-10.1)	-0.15 (-1.2)	-0.06 (-0.5)
Increase in Transfer Truck Travel +2,446 miles per day	+0.27 (+2.1)	+4.30 (+33.0)	+0.31 (+2.4)	+0.12 (+0.09)
Net Change in Emissions	+0.13 (+1.0)	+3.0 (+22.9)	+0.1 (+1.2)	<1.0 (<1.0)
Significance Thresholds	***10 (54)***	***10 (54)***	***15 (82)***	***10 (54)***
Significant?	***No***	***No***	***No***	***No***

Toxic Air Contaminants

The proposed project would increase the number of trucks accessing the project site on a regular basis. These trucks would include diesel-fueled heavy duty haul trucks and Solid Waste Collection Vehicles (SWCV). A portion of the SWCVs would be fueled using biodiesel, with the remaining SWCVs using diesel fuel. Diesel fueled trucks are a source diesel particulate matter (DPM) emissions. DPM is classified as a carcinogenic (cancer causing) TAC by the CARB. The biodiesel fueled SWCVs would not have DPM emissions, but would emit PM2.5 which is considered to have non-cancer health effects.

Community health risk impacts were predicted for existing conditions and from the proposed project. Facility related truck travel was assumed to occur along Charles Street and Oakland Road where existing sensitive receptors (residences) could be affected by the truck traffic. These residences include the recreational vehicles (RVs) in the Garden City RV Park along Charles Street and the Trailer Tel RV Park on Oakland Road, in addition to several residences on Oakland Road.

Emissions from truck activity were computed using the California Air Resources Board's EMFAC2011 model. Emissions were calculated using emission rates for 2014 for existing truck traffic and 2016 for the proposed project's truck traffic. EMFAC2011 fleet average emission rates for diesel-fueled heavy duty trucks and SWCVs in the Bay Area were used. DPM emissions were assumed to be the exhaust $PM_{2.5}$ emissions from diesel-fueled trucks. For exhaust $PM_{2.5}$ emissions from the biodiesel SWCVs, it was assumed that the emissions would be similar to those for diesel-fueled SWCVs. Total $PM_{2.5}$ truck emissions for all truck types evaluated include exhaust emissions and $PM_{2.5}$ generated from tire and brake wear.

The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM and $PM_{2.5}$ from truck activity. The modeling used a five-year data set (2006 - 2010) of hourly meteorological data from the San Jose Airport prepared by the BAAQMD for use with the AERMOD model. Truck emissions were modeled as line sources (a series of volume sources along a line) representing travel routes from to and from the project site on Charles Street and Oakland Road. DPM and $PM_{2.5}$ concentrations were predicted at receptors along the truck route at a height of 1.5 meters (five feet).

Based on modeled DPM concentrations for existing conditions and the proposed project, cancer risks were calculated for a 70-year residential exposure. A cancer risk adjustment factor of 1.7 was used in this analysis to account for age sensitivity, as recommended by the BAAQMD. In addition the DPM Hazard Index, which is the ratio of the maximum DPM concentration to a reference exposure level (5 µg/m3 for DPM) was calculated. Table 4.3-3 lists the maximum cancer risks, $PM_{2.5}$ concentrations, and hazard index for existing conditions and proposed project operations, along with the net change in cancer risk and $PM_{2.5}$ concentration.

Table 4.3-3: Project Health Impacts

Operation Case	Cancer Risk (per million)	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Hazard Index
Existing Condition 2014	5.01	0.020	0.002
Proposed Project 2016	5.11	0.025	0.002
Project Increase	0.10	0.005	0
Significance Threshold	***10***	***0.3***	***1.0***
Significant?	***No***	***No***	***No***

The maximum increased cancer risk, annual $PM_{2.5}$ concentration, and Hazard Index due to the proposed project are all lower than the identified thresholds of significance and DPM emissionswould be considered a less than significant impact. **(Less Than Significant Impact)**

The project contribution to cumulative community risk impacts would be so small that it would not contribute to the cumulative risk. In addition, the combination of sources near the site would have community risk impacts well below the threshold of 100 in one million for excess cancer risk, 0.8 µg/m3 for annual $PM_{2.5}$ concentrations and 10.0 for Hazard Index. **(Less Than Significant Cumulative Impact)**

4.3.2.3 *Odor Impacts (Checklist Question 5)*

The project site is currently a source of odors related to the processing of putrescible waste. As described in Section 4.3.1, the existing facilities on the site have not been the subject of any odor complaints in recent years. Although the project would not create a new source of odor, the increase in throughput at the facility would increase the amount of putrescible waste on the site at any given time. An updated Odor Impact Minimization Plan (OIMP) was developed for the proposed MRF operation, and is included as Appendix B to this Initial Study. The OIMP includes methods and procedures to minimize odors leaving the site, including processing and storing all greenwaste and municipal solid waste indoors, limiting the amount of time waste can be stored on site, and spraying waste with odor-reducing enzymes. The OIMP also includes an odor complaint response protocol, which requires the operator to document all complaints and take actions within a specific period of time from when the complaint was received, in coordination with the Lead Enforcement Agency with jurisdiction over the facility. With implementation of the OIMP, operations at the proposed Charles Street MRF would be unlikely to expose members of the public to objectionable odor, and odor impacts would remain at a less than significant level. **(Less Than Significant Impact)**

4.3.3 Conclusion

The proposed project would not result in significant air quality impacts. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

The project site is located in a fully developed industrial area in central San Jose. Wildlife habitat on the project site is very limited, consisting of landscaped trees and shrubs along the site's perimeter, and is unlikely to be occupied by special status plant and/or animal species. There are no undisturbed areas or sensitive habitats on the site, and the site does not contain any streams, waterways, or wetlands. Because of its urban setting and isolation from areas of undeveloped lands, the site does not function as a movement corridor for local wildlife. No rare, threatened, endangered, or special status species of flora or fauna are known to inhabit the site.

4.4.1.1 *Regulatory Setting*

City of San José Tree Ordinance

The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. An "ordinance-sized tree" is defined as any native or non-native tree with a circumference of 56 inches or diameter of 18 inches at 24 inches above the natural grade of slope. A tree removal permit is required by the City prior to the removal of any trees covered under the ordinance. No ordinance-sized trees will be removed as a result of the proposed project.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act of 1918 (MBTA) is one of the nation's oldest environmental laws. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season that results in the incidental loss of fertile eggs or nestlings, or otherwise leads to nest abandonment, would violate the MBTA.[5]

General Plan

The *Envision San José 2040 General Plan* includes the following biological resource policies applicable to the proposed project:

Policy ER-2.1: Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (VHP/NCCP).

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance

[5] A complete list of bird species protected by the MBTA is available on the US Fish and Wildlife Service website: http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtandx.html

activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Policy MS-21.8: For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

1. Avoid conflicts with nearby power lines.
2. Avoid potential conflicts between tree roots and developed areas.
3. Avoid use of invasive, non-native trees.
4. Remove existing invasive, non-native trees.
5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

4.4.1.2 *Santa Clara Valley Habitat Plan*

The Santa Clara Valley Habitat Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The HCP has been approved by the local partners, and has been effective since October 14, 2013.

The proposed project is a covered activity under the HCP. The project site is located within the Urban-Suburban land cover type. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational

structures, and is defined as one or more structures per 2.5 acres. Vegetation found in the Urban-Suburban land cover type is usually in the form of landscaped residences, planted street trees, and parklands.

4.4.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐	1
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒	1
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	1, 15

4.4.2.1 *Impacts to Special Status Species (Checklist Question 1)*

Special Status Plants

The site is fully developed and operates as a waste processing facility, and no special status plant species occur on or adjacent to the site due to a lack of suitable habitat.

Special Status Animals

The project site is fully developed and is located in an urban industrial area. As a result, special-status animal species are unlikely to occur on the site. Nesting birds may utilize the trees located on the perimeter of the site. However, since the project does not propose any tree removal or construction activities, the project would not be expected to have an adverse effect on nesting birds, if present. **(Less Than Significant Impact)**

4.4.2.2 *Impacts to Wetlands and Other Habitats (Checklist Questions 2 and 3)*

There are no undisturbed areas or sensitive habitats on the site, and the site does not contain any streams, waterways, or wetlands. **(No Impact)**

4.4.2.3 *Impacts to Wildlife Movement (Checklist Question 4)*

Because of its urban setting and isolation from areas of undeveloped lands, the site does not function as a movement corridor for local wildlife. **(No Impact)**

4.4.2.4 *Conflicts with Local Policies or Ordinances (Checklist Question 5)*

The project proposes continued waste handling and resource recovery operations on the site and would not result in the removal of any trees. The project, therefore, would not conflict with the City's Tree Ordinance. **(No Impact)**

4.4.2.5 *Habitat Conservation Plan (Checklist Question 6)*

The project site is mapped as Urban-Suburban in the Santa Clara Valley HCP, and is not located within any fee or survey zones. The project would increase throughput of waste materials and trips to and from the site and, as a result, vehicle trips associated with the site would also increase. Although these trips would be new to the facility, they would not necessarily be new to the region since this waste us already currently being collected and transferred to an end location. Travel lengths may be greater for transfer truck trips, however (refer to Section 4.3.2.2). The HCP requires payment for nitrogen deposition fees for all covered projects that generate new net vehicle trips. The project is subject to the HCP and required to pay all applicable HCP fees prior to issuance of permits permits. Nitrogen deposition fees are based on the number of new daily vehicle trips generated by a proposed project. Payment of these fees would reduce nitrogen deposition impacts to a less than significant impact. **(Less Than Significant Impact)**

4.4.3 Conclusion

The project would not result in significant impacts to biological resources. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Setting

4.5.1.1 *Historic Resources*

The existing warehouse and shed structures on the site were constructed in late 1960's. The buildings are not of a historic age or associated with persons or events which are important to California history. There are no known historic resources located on or adjacent to the project site.

4.5.1.2 *Archaeological Resources*

The project site is within an area of archaeological sensitivity, as mapped for the *Envision San José 2040 General Plan*.

4.5.1.3 *General Plan*

The *Envision San José 2040 General Plan* includes the following cultural resource policies applicable to the proposed project:

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	1, 2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	1, 2
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	1, 2
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	1, 2

4.5.2.1 *Impact to Historic Resources (Checklist Question 1)*

The project would allow for relocation of processing equipment within an existing industrial site. The basic activities on the site would not change and building demolition is not proposed. The industrial warehouse and shed structures on the site are not over fifty years old, are not on the National Register of Historical Places, nor are they on the California Register of Historic Resources. The project would not impact known historic architectural resources. **(No Impact)**

4.5.2.2 *Impacts to Archaeological and Paleontological Resources (Checklist Questions 2-4)*

The project site is completely paved and/or covered with structures. The proposed project would not include any grading or other substantial disturbance of native soils on the project site. **(No Impact)**

4.5.3 Conclusion

The proposed project would not result in significant impacts to cultural resources. **(No Impact)**

4.6 GEOLOGY AND SOILS

4.6.1 Setting

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the west, the Hamilton/Diablo Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by the continued tectonic uplift and regression of the inland sea that had previously inundated this area. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of Upper Jurassic to Cretaceous age (70-140 million years old). Overlaying the bedrock at substantial depths are marine and terrestrial sedimentary rocks of Tertiary and Quaternary age.

4.6.1.2 *Seismicity and Seismic Hazards*

The project site is located within the seismically active San Francisco Bay region. The major earthquake faults in the region are the San Andreas Fault (13.6 miles to the southwest), the Hayward Fault (4.5 miles to the northeast), and the Calaveras Fault (7 miles to the northeast). These regional faults are capable of generating earthquakes of at least 7.0 in magnitude.

The Association of Bay Area Governments (ABAG) has reported that the Working Group on California Earthquake Probabilities (2003) has estimated there is a 62 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area between 2002 and 2031. A moderate to major earthquake on the San Andreas Fault is most likely to generate the strongest ground shaking at the site.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within the soil voids, resulting in liquefaction. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses, such as beneath foundations or sloping ground. The project site is not located in a Santa Clara County Liquefaction Hazard Zone.[6]

[6] County of Santa Clara, *Geologic Hazard Zones, Map 20*, October 26, 2012, http://www.sccgov.org/sites/PLANNING/GIS/GEOHAZARDZONES/Pages/SCCGeoHazardZoneMaps.aspx.

4.6.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	1, 8
b. Strong seismic ground shaking?	☐	☐	☒	☐	1, 8
c. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1, 8
d. Landslides?	☐	☐	☐	☒	1, 28
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	1
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1, 8
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	1
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

4.6.2.1 *Seismicity and Seismic Hazards (Checklist Question 1 a – d)*

As previously discussed, the project site is located within a seismically active region, and as such, strong to very strong ground shaking would be expected during the lifetime of the proposed project. The project site is not located within a Santa Clara County Liquefaction Hazard Zone, nor is it located within an Alquist-Priolo Earthquake Fault Zone or City of San Jose Geologic Hazard Zone. The project proposes increased throughput at an existing industrial site use for waste processing and resource recovery. The project does not propose any physical development, and therefore would not expose people or structures to potential substantial adverse seismic effects. **(Less Than Significant Impact)**

4.6.2.2 *Soils Impacts (Checklist Question 2- 4)*

The project site is currently developed with industrial buildings used for waste processing and resource recovery, and does not propose any new physical development. The project, therefore, would not lead to substantial soil disturbance, soil erosion, or loss of topsoil. The project site is flat and is not located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project.

Soils on the site are moderately expansive. The project does not propose any physical development and, therefore, would not create substantial risks to life or property related to expansive soils. **(Less Than Significant Impact)**

4.6.2.3 *Septic Systems (Checklist Question 5)*

The project site is located within an urbanized area of San José where sanitary sewer lines are available to dispose wastewater from the project site. No septic tanks will be utilized on the project site. As a result, the soil on-site will not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.3 Conclusion

The proposed project would result in less than significant geologic and soils impacts, and would not expose people or structures to new adverse seismic risks. **(Less Than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global climate change associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. The world's leading climate scientists have reached the consensus that global climate change is underway and is likely caused by human activity.[7] Humans generate GHGs through combustion of fossil fuels (oil, natural gas, and coal) for energy production and transportation, decomposition of solid waste, burning of wood, deforestation, agriculture, and industrial activities.

4.7.1.1 *Existing Emissions*

The project site is currently developed with two waste processing and resource recovery facilities. Current uses on the site generate emissions from operational electricity, diesel-powered equipment used on the site, and vehicle trips generated by employees and waste collection/hauling trucks.

4.7.1.2 *Regulatory Background*

State Regulations

Regulatory efforts in California that apply to the project are summarized below:

State of California Executive Order S-3-05

In June 2005, Governor Schwarzenegger issued Executive Order S-3-05, which identified Cal/EPA as the lead coordinating State agency for establishing GHG emission reduction targets in California. A "Climate Action Team," a multi-agency group was set up to implement Executive Order S-3-05. Under this order, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050.

Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006

California Assembly Bill (AB) 32 was signed into law in September 2006. The bill requires statewide reductions of GHG emissions to 1990 levels by 2020 and the adoption of rules and regulations to achieve the most technologically feasible and cost-effective GHG emissions reductions.

Senate Bill (SB) 97 – Modification to the Public Resources Code

In August 2007, Governor Schwarzenegger signed SB 97. SB 97 required the Office of Planning and Research to prepare, develop, and transmit guidelines to the Resources Agency for the mitigation of

[7] National Aeronautics and Space Administration, *Global Climate Change: Vital Signs of the Planet*, *Consensus*, March 5, 2013. http://climate.nasa.gov/scientific-consensus

GHG emissions or the effects of GHG emissions including, but not limited to, the effects associated with transportation and energy consumption. The Resources Agency adopted the CEQA Guidelines Amendments addressing GHG emissions on December 30, 2009.

SB 375 – Sustainable Communities and Climate Protection Act

SB 375 encourages housing and transportation planning on a regional scale in a manner designed to reduce vehicle use and associated GHG emissions. The bill requires the California Air Resources Board (CARB) to set regional targets for the purpose of reducing GHG emissions from passenger vehicles for 2020 and 2035. Per SB 375, CARB appointed a Regional Targets Advisory Committee on January 23, 2009 to provide recommendations on factors to be considered and methodologies to be used in CARB's target setting process. The per capita reduction targets set for passenger vehicles in the San Francisco Bay Area are a seven percent reduction by 2020 and a 15 percent reduction by 2035.

City Plans and Policies

The General Plan includes a Greenhouse Gas Reduction Strategy embedded in its policies and programs that are designed to help the City sustain its natural resources, grow efficiently, and meet State legal requirements for GHG reductions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, and solid waste generation and recycling. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the State CEQA Guidelines and the recent standards for qualified plans as set forth by BAAQMD.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Compliance with the mandatory measures required by the City and voluntary measures would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy have a less than significant impact to GHG emissions.

4.7.1.3 *BAAQMD CEQA Guidelines and 2010 Bay Area Clean Air Plan*

BAAQMD adopted new *CEQA Guidelines* (June 2010, Updated May 2012). The new guidelines supersede the previously adopted 1999 *CEQA Guidelines*, and include new and updated thresholds for analyzing air quality impacts, including a threshold for GHG emissions. Under these thresholds, if a project would result in an operational-related GHG emission of 1,100 metric tons (MT) (or 4.6 MT per service population[8]) of carbon dioxide equivalents (CO_2e) per year or more, it would make a

[8] Service Population (SP) is an efficiency-based measure used by BAAQMD to estimate the development potential of a general or area plan. Service Population is determined by adding the number of residents to the number of jobs estimated for a given point in time. (BAAQMD 2010)

cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change. The BAAQMD *CEQA Guidelines* also outline a methodology for estimating GHGs.[9]

BAAQMD's Bay Area 2010 Clean Air Plan (CAP) is a multi-pollutant plan that addresses GHG emissions along with other air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures in five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is one measure of its consistency with the CAP. The current CAP also includes performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

4.7.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1, 2
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1, 2

4.7.2.1 *CEQA Thresholds*

As discussed in Section 4.3.2.1, the City of San Jose has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the 2011 thresholds and, therefore, has determined the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. The City has also made this same determination for the analysis of GHGs. As described previously, under these thresholds, if a project would result in an operational-related GHG emission of 1,100 metric tons (MT) (or 4.6 MT per service population) of carbon dioxide equivalents (CO_2e) per year or more, it would make a cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change.

[9] Bay Area Air Quality Management District, *CEQA Guidelines*, May 2011.

4.7.2.1 *Greenhouse Gas Emissions (Checklist Question 1)*

Construction Emissions

The proposed project would not include construction activities, and therefore would not result in GHG emission related to construction.

Operational Emissions

Operation of the facilities on the site generates GHG emissions from the use of electric and diesel-powered equipment for processing activities, and from vehicle trips associated with waste collection and hauling and employees traveling to and from the site.

Currently, the two facilities operate an assortment of mobile equipment that includes loaders, excavators, forklifts, and manlifts. There are currently 27 pieces of equipment operated by both facilities combined. Under the proposed project, up to seven pieces of equipment would be removed and one new loader would be added. The increased use of electrically-powered equipment over diesel-powered equipment, along with the combination of the two facilities to increase efficiency, is expected to result in a net reduction in the use of diesel equipment. Although electrical equipment produces less GHG emissions than diesel equipment, the overall increase in throughput on the site could result in an increase in GHG emissions associated with equipment use.

Truck traffic circulation would change as a result of the proposed project. The proposed project would increase throughput by 1,000 tons per day, resulting in 256 new truck trips per day at the facility. As discussed in Section 4.3.2.2, an analysis of the truck travel characteristics indicates that total vehicles miles traveled per day for solid waste collection vehicles would decrease by 1,056 miles and the vehicle miles traveled per day for transfer trucks would increase by 2,446 miles per day. The overall increase in vehicle miles traveled would result in an increase in GHG emissions. GHG emissions associated with this increase in vehicle miles traveled were computed using the CalEEMod model (refer to Appendix C). The project would result in an increase of 692 metric tons per year of CO_2e, which is below the threshold of 1,100 metric tons per year.

Although the project would result in an increase in GHG emissions related to equipment use and vehicle trips, a portion of this increase would be offset by a reduction in GHG emissions associated with diverting waste to composting and recycling facilities. Additionally, by consolidating the two existing operations into one to increase efficiency, converting diesel equipment to electric equipment, and reducing the total pieces of equipment on the site, the project would reduce emissions to the extent feasible. For these reasons, the project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less Than Significant Impact)**

4.7.2.2 *Conformance with Applicable Plans (Checklist Question 2)*

In order to conform to the City's GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory guidelines. The proposed project would not change the land use on the site, and is consistent with the General Plan land use designation of Heavy Industrial.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by the following recycling and waste reduction strategies:

> *RWR-Q*. Extend recycling services - Green Vision Goal #5. As an estimate, divert an additional 75% of waste beyond the baseline year (2006) by 2035. CO2e from landfilled waste (2006) = 260,000 MT; 75% =200,000 MT.
>
> *MS-6.5*. Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
>
> *MS-5*. Divert 100% of waste from landfills by 2022 and maintain 100% diversion through 2040.

The proposed project would be consistent with San José's GHG Reduction Strategy by providing extended resource recovery (recycling services), which could assist with reducing the amount of CO2e from putrescible waste currently being disposed in landfills. **(Less Than Significant Impact)**

4.7.3 Conclusion

The proposed project is consistent with the City of San José Land Use Transportation Diagram would incorporate applicable policies of the City's GHG Reduction Strategy and would, therefore, result in less than significant GHG emissions impacts. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Setting

The project site is currently developed with two waste processing and resource recovery facilities. Hazardous materials such as gasoline, oil, propane, and other mechanical fluids are stored and used on the project site for vehicle and equipment maintenance. A Hazardous Materials Management Plan is in place at the project site.

4.8.1.1 *Regulatory Setting*

Hazardous waste generators and users in the City are required to comply with regulations enforced by several Federal, State, and local agencies. The regulations are designed to reduce the risk associated with human exposure to hazardous materials and minimize adverse environmental effects. The San José Fire Department coordinates with the Santa Clara County Hazardous Materials Compliance Division to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled.

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California Environmental Protection Agency (Cal/EPA) to develop at least annually an updated Cortese List. The Cortese List includes lists maintained by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).[10]

The 625 Charles Street property is identified on the SWRCB Geotracker Database. A leaking underground storage tank (LUST) that contained diesel fuel was removed from the site in 1999. The associated contamination was remediated, and the site received case closure from the SWRCB in 2000.

General Plan

The *Envision San José 2040 General Plan* includes the following hazardous material policies applicable to the proposed project:

Policy EC-6.1: Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.

Policy EC-6.2: Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous

[10] The DTSC and SWRCB hazardous material site lists are available online at http://www.calepa.ca.gov/sitecleanup/CorteseList/default.htm.

materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

4.8.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	1

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

4.8.2.1 *Routine Transport, Use, or Disposal of Hazardous Materials (Checklist Question 1)*

The proposed project would continue to include the storage and use of hazardous materials on the site for vehicle and equipment maintenance. The project would also retain and continue to use existing on-site fuel pumps. Compliance with applicable Federal, State, and local handling, storage, and disposal requirements would ensure that no significant hazards to the public or the environment are created by these routine activities. These requirements include equipping fuel dispensers with automatic shutoffs and other safety devices in accordance with Fire, Building, and Health codes, and including spill containment and overfill prevention systems on underground storage tanks in accordance with CCR Title 23, section 2635. **(Less Than Significant Impact)**

4.8.2.2 *Accidental Release of Hazardous Materials (Checklist Question 2)*

The project site would continue to receive loads of waste for processing, some of which may contain improperly disposed of hazardous materials. The proposed facility would continue to implement a Load Check Program to ensure no hazardous materials are released on or around the site. Incoming loads are checked for prohibited materials when they enter the facility. If prohibited wastes are discovered, the generator of the waste would be notified to arrange for the waste to be taken to another facility for proper disposal. If the generator cannot be identified, the hazardous waste will be stored in secured, covered bins in the material storage building until collected by a licensed contractor. The Load Check Program also includes customer education and employee training to help reduce the occurrences of hazardous wastes entering the site. With implementation of these standard practices, the project would not create a new significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less Than Significant Impact)**

4.8.2.3 *Hazardous Emissions or Hazardous Materials near Schools (Checklist Question 3)*

The Challenger School – Berryessa is located at 711 E. Gish Road, roughly 0.25 miles north of the site. The project does not include manufacturing or other processes that would be sources of routine hazardous waste emissions and does not routinely handle or accept materials classified as hazardous waste under state and federal law. Compliance with applicable Federal, State, and local handling, storage, and disposal requirements such as those discussed previously would ensure that no significant hazards to the school are created as a result of the project. **(Less Than Significant Impact)**

4.8.2.4 *Hazardous Materials Sites (Checklist Question 4)*

The 625 Charles Street property is identified on the State Water Resources Control Board (SWRCB) Geotracker Database. A leaking underground storage tank (LUST) that contained diesel fuel was removed from the site in 1999. The associated contamination was remediated, and the site received case closure from the SWRCB in 2000. The project does not include ground disturbing activities, including in the area of the former leaking underground storage tank. As a result, the project would not create a significant hazard to the public or the environment. **(Less Than Significant Impact)**

4.8.2.5 *Other Hazards (Checklist Questions 5 - 8)*

The project site is not located within an airport land use plan or wildland fire area. The proposed project would not impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

The project site is located roughly 1.2 miles east of the Mineta San Jose International Airport. The City of San Jose, as owner/operator of the Norman Y. Mineta San Jose International Airport, is required to comply with federal regulations to ensure compatible land use within the airport vicinity in order to maintain the airspace for safe aircraft operation. Among these regulations are requirements to minimize the presence of land uses that would create a "hazardous wildlife attractant" such as flocks of birds that pose a danger to aircraft landing, departing, or circling the airport. Waste management and resource recovery facilities can be attractive to birds. The proposed combined facility would implement vector management procedures to prevent the propagation, harborage and attraction of vectors such as flies, rodents, and animals, and to minimize bird attraction. All processing of putrescible waste would occur indoors, and the facility and surrounding areas would kept clean to minimize creation of a food source that may attract birds. With implementation of vector management procedures included in the project, the proposed combined facility would not create a significant hazard associated with the attraction of birds in the vicinity of an airport. **(Less Than Significant Impact)**

4.8.3 Conclusion

With implementation of the standard practices listed above and compliance with all applicable federal, state, and local hazardous materials laws and ordinances, the proposed project would not result in significant hazardous materials impacts. **(Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Storm Drainage*

The two properties on the site, 575 and 625 Charles Street, operate under separate storm drainage systems, as described below. Drainage from both properties is ultimately conveyed to the Guadalupe River, which is considered by the State Water Resources Control Board (SWRCB) to be an impaired water body for trash, mercury and Diazinon.

575 Charles Street

The entire facility at 575 Charles Street is paved with asphalt or covered by buildings. The site is essentially flat and graded to drain to six drain inlets. Underground pipelines convey stormwater from the drain inlets to underground connection points with the City of San Jose storm sewer pipeline under Charles Street.

625 Charles Street

Approximately 98 percent of the facility at 625 Charles Street is impervious. Small pervious landscaped areas are present along the perimeter of the property. Runoff from the facility typically flows south towards Charles Street. Stormwater runoff on the eastern portion of the site is collected in on-site storm drains prior to discharge into the City's stormdrain conveyance system which flows into the Guadalupe River. Runoff on the western portion of the site is collected in catch basins and is directed into four 12,500 gallon stormwater tanks. The runoff is then discharged into a filtration system prior to discharge into the City's sanitary sewer system.

4.9.1.2 *Groundwater*

Groundwater levels typically fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors. The depth to groundwater under the site is unknown. The project site is mostly comprised of impervious surfaces and does not contribute to the recharging of the groundwater aquifer.

4.9.1.3 *Flooding*

The project site is not located within the 100-year floodplain.[11]

[11] Federal Emergency Management Agency, Community Panel Number 06085C0232H, May 18, 2009. https://msc.fema.gov

4.9.1.4 *Dam Failure*

The Association of Bay Area Government compiled the dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The project site is not located in a dam failure inundation hazard zone.[12]

4.9.1.5 *Seiches, Tsunamis, and Mudflows*

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that in the event of a seiche will affect the site.

A tsunami or tidal wave is a series of water waves caused by the displacement of a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. The project site does not lie within a tsunami inundation hazard area.[13]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site is not susceptible to mudflows.[14]

4.9.1.6 *Regulatory Setting*

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters the United States (e.g., streams, lakes, bays, etc…). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Municipal Regional Stormwater NPDES Permit (MRP)

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (MRP) [Permit Number CAS612008]. In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide stormwater permits with a regional permit for 77 Bay Area municipalities including the City of San José. Under the provisions of the MRP, development projects that create or replace 10,000 square feet or more of impervious surfaces are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. As of December 1, 2011, provision C.3 of the MRP requires fuel service facilities that create or replace greater than 5,000 square feet of

[12] Association of Bay Area Governments, *Bay Area Dam Failure Inundation Hazards*, October 5, 2009. http://www.abag.ca.gov/bayarea/eqmaps/damfailure/

[13] California Emergency Management Agency, *Tsunami Inundation Map for Emergency Planning San Francisco Bay Area*, December 9, 2009. http://www.consrv.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Documents/Tsunami_Inundation_SanFranciscoBayArea300.pdf

[14] County of Santa Clara, *Santa Clara County Geologic Hazard Zones*, Map 20, October 26, 2012.

impervious surface to design and install Low Impact Development (LID) controls to treat post-construction stormwater runoff from the site. Examples of LID controls include rainwater harvesting/re-use, infiltration, and biotreatment. If the new/replaced impervious surface will be greater than 50 percent of the pre-project impervious surface area, stormwater treatment for the entire site will be required. If the new/replaced impervious surface for the project will be less than 50 percent of the pre-project impervious surface area, stormwater treatment for only the new/replaced area will be required.

Industrial Storm Water General Permit

The Industrial Storm Water General Permit Order 97-03-DWQ (General Industrial Permit) is an NPDES permit that regulates discharges associated with 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. Through the SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce storm water pollution are described.

City of San José Post-Construction Urban Runoff Management (Policy 6-29) and Hydromodification Management (Policy 8-14)

The MRP mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

The City has developed policies that implement Provision C.3 consistent with the Municipal Regional Permit. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. Per the MRP and City Council Policy 6-29, gas stations and car washes are Land Uses of Concern. Source (Pollutant) Control Measures are required for Land Uses of Concern uses regardless of project size. This could include creating a 'treatment train' that includes mechanical filtration of urban runoff prior to release to a LID treatment measure.

The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects. Development projects that create and/or replace one acre or more of impervious surface and are located in a sub-watershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations.

General Plan

The *Envision San José 2040 General Plan* includes the following water quality policies applicable to the proposed project:

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.9.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1
6. Otherwise substantially degrade water quality?	☐	☐	☒	☐	1

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1, 10
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1, 10
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1, 10, 11
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1, 8, 12

4.9.2.1 *Water Quality Impacts (Checklist Questions 1, 5, 6)*

Construction Activities

The project does not propose any construction activities, and therefore would not result in water quality impacts related to construction.

Post-Construction

The project would increase the amount of waste processed on the site, some of which may contain pollutants. To ensure pollutants do not enter the stormwater system, Stormwater Pollution Prevention Plans (SWPPPs) were prepared for both properties in November 2014. The SWPPPS are designed to be consistent with the requirements of the SWRCB General Permit for Industrial Stormwater Discharges (NPDES General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities and SWRCB WQO No. 2014-0057-DWQ, NPDES General Permit No. CAS000001, and Waste Discharge Requirements for Discharges of Stormwater Associated with Industrial Activities). The SWPPPs are included as Appendix D of this Initial Study.

The SWPPPs include best management practices (BMPs) to be implemented by the project. BMPs include good housekeeping, preventative maintenance, spill and leak prevention and response, employee training, and monitoring. The project also includes catch basin insert filtration devices that target oil, grease, and large solid particles. Secondary containment structures and equipment would be utilized in areas where potential pollutants are used and stored. Additionally, a media filtration system is in place on the 625 Charles Street property. Storm water runoff entering the system is diverted to the vault beneath the filters where solids will settle and be trapped. The storm water is then filtered through the filter cartridges, which are capable of filtering 180-gpm of storm water. The filtered water then flows through a tube below the filter and empties into the pump vault, which pumps the clean storm water to the storm drain system when enough water has accumulated in the pump vault. A full list of measures to be implemented by the project is included in Appendix C.

With implementation of the SWPPPs prepared for the site, the project would not violate any water quality standards or waste discharge requirements, create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality. **(Less Than Significant Impact)**

4.9.2.2 *Groundwater (Checklist Question 2)*

The proposed project would not increase the amount of impervious surfaces on the site, nor would it substantially increase water use. As a result, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level. **(Less Than Significant Impact)**

4.9.2.3 *Drainage Patterns (Checklist Questions 3 – 4)*

The project would not substantially alter the existing drainage pattern of the site. The rate of discharge would be similar to existing conditions and would not result in erosion, siltation or flooding on or off site. **(Less Than Significant Impact)**

4.9.2.4 *Flooding (Checklist Questions 7 - 9)*

The proposed project would not place structures in a 100-year floodplain or in a dam failure inundation hazard zone. Sites outside the 100-year floodplain are not considered prone to flooding. **(No Impact)**

4.9.2.5 *Seiches, Tsunamis, and Mudflows (Checklist Question 10)*

The project site is not subject to inundation by seiche, tsunami, or mudflow. **(No Impact)**

4.9.3 Conclusion

The proposed project would have a less than significant impact on hydrology and water quality. **(Less Than Significant Impact)**

4.10 LAND USE

4.10.1 Setting

Two adjacent properties on Charles Street in San Jose currently operate as waste processing and resource recovery facilities. The 6.05-acre GreenWaste MRF and DTF, located at 625 Charles Street (APN 237-06-094), accepts a variety of solid waste for sorting, recovery, and transfer, including yard waste, construction and demolition debris, commercial and curbside recyclables, food waste, and municipal solid waste (MSW). The facility is permitted to process up to 2,000 tons per day (TPD) of throughput, and operates under a Solid Waste Facility Permit. The 2.94-acre GreenTeam MRF and DTF, located at 575 Charles Street (APN 237-06-057), accepts mixed recyclables from residential and municipal land uses for sorting and transfer. The facility also accepts MSW for direct transfer. The facility is permitted to process 500 TPD of throughput, and operates under a Special Use Permit. These two adjacent properties constitute the project site.

The project site has the General Plan Designation of *Heavy Industrial* and is zoned *Heavy Industrial*. According to the City's General Plan, the *Heavy Industrial* designation is intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. The Heavy Industrial designation is the appropriate category for solid waste transfer and resource recovery stations.

The project site is bounded by railroad tracks to the north and west, Charles Street to the south, a waste collection vehicle storage facility to the northeast, and an RV park to the east. Other than the RV park directly adjacent to the site, land uses in the vicinity consist of other heavy industrial uses (refer to Figure 2.2-3).

4.10.1.1 *Santa Clara Valley Habitat Conservation Plan*

The Santa Clara Valley Habitat Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The HCP has been approved by the local partners, and has been effective since October 14, 2013.

As discussed in *Section 4.4 Biology*, the proposed project is a covered activity under the plan and the project site is considered "Urban – Suburban" land cover.

4.10.1.3 *General Plan*

The *Envision San José 2040 General Plan* includes the following land use policies applicable to the proposed project:

Policy CD-4.4: In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy MS-5.5: Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS-5.6: Enhance the construction and demolition debris recycling program to increase diversion from the building sector.

Policy MS-6.2: Implement mixed-waste recycling of garbage and recycling processing residue to ensure that all recyclable and compostable materials are diverted from landfills.

Policy MS-6.5: Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

Policy MS-6.8: Maximize reuse, recycling, and composting citywide.

4.10.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Physically divide an established community?	☐	☐	☐	☒	1
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1, 2, 3,
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1, 15

4.10.2.1 *Established Communities (Checklist Question 1)*

The project would not change the land use on the site, and would not divide an established community. **(No Impact)**

4.10.2.2 *Consistency with Applicable Land Use Plans and Regulations (Checklist Question 2)*

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the person or development introduced onto the site by the new projects. Both of these circumstances are aspects of *land use compatibility*. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impacts and their severity, land use compatibility conflicts can range from minor irritation and nuisance to potentially significant effects on human health and safety.

The project site currently houses two waste processing and resource recovery facilities. The project would combine the two facilities, and would not change the land use on the site. The project would, however, increase the amount of waste material handled on the site on a daily basis. As described throughout the Initial Study, measures included in the project, such as the Odor Impact Minimization Plan, would prevent environmental impacts related to land use conflicts that could result from the increased waste processing. **(Less Than Significant Impact)**

Envision San José 2040 General Plan

The project site has a General Plan land use designation of *Heavy Industrial*. The project would not change the existing land use designation on the site and the proposed combined waste processing facility would be consistent with the General Plan land use designation. **(Less Than Significant Impact)**

City of San José Zoning District

The site is currently zoned Heavy Industrial. The project would not change the land use on the site, and the proposed combined waste processing facility would be an allowed use under the Heavy Industrial zoning designation. **(Less Than Significant Impact)**

4.10.2.3 *Santa Clara Valley Habitat Plan (Checklist Question 3)*

As discussed in *Section 4.4.2.3*, the proposed project is a covered activity under the HCP due to anticipated increase in trips to and from the site. Paying the appropriate plan fees would ensure the proposed project does not conflict with the habitat plan. **(Less Than Significant Impact)**

4.10.3 Conclusion

The project would not result in significant land use impacts. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

The project site is outside of the Communications Hill area.

4.11.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1, 2
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1, 2

4.11.2.1 *Impacts to Mineral Resources (Checklist Questions 1 -2)*

The project site is not located in the Communications Hill area and would not result in impacts to known mineral resources.

4.11.3 Conclusion

The project would have no impact to known mineral resources. **(No Impact)**

4.12 NOISE

The discussion in this section is based on a noise report prepared by *Illingworth & Rodkin, Inc.* in November 2014. This report is provided as Appendix E of this Initial Study.

4.12.1 Setting

4.12.1.1 *Background Information*

Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA.[15] This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. Sound level meters can accurately measure environmental noise levels to within about plus or minus one dBA. Since the sensitivity to noise increases during the evening hours, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured between 10:00 P.M. and 7:00 A.M.

4.12.1.2 *City of San José Applicable Noise Requirements and Policies*

The City's General Plan and Municipal Code include criteria for land use compatibility and acceptable noise levels in the City. Noise levels resulting from an industrial use adjacent to a property used or zoned for residential purposes are limited to 55 dBA. Additionally, the General Plan considers noise impacts to be significant if a project would increase noise level at adjacent land uses by five dBA or more where noise levels would remain normally acceptable or three dBA where noise levels would equal or exceed the normally acceptable level.

[15] The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. All sound levels in this discussion are A-weighted unless otherwise stated.

General Plan Policies

The *Envision San José 2040 General Plan* includes the following noise policies applicable to development in San Jose:

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Table EC-1: Land Use Compatibility Guidelines for Community Noise in San José

LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS (DBA)) 55 60 65 70 75 80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]	
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	
3. Schools, Libraries, Museums, Meeting Halls, Churches	
4. Office Buildings, Business Commercial, and Professional Offices	
5. Sports Arena, Outdoor Spectator Sports	
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters	

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:

- Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:

- Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

Unacceptable:

- New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

- Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses

Policy EC-1.4: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.7: Construction operations within San José will be required to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Construction Noise

Construction is a temporary source of noise impacting residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction.

Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods.

Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA L_{max} at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

4.12.1.3 *Existing Noise Conditions*

Industrial uses surround the project site; however, the Garden City RV Park, a residential use located at 1309 Oakland Road #24 on an industrially-zoned property directly adjacent to the site, would continue to be the nearest sensitive receptor. The Trailer Tel RV Park, located approximately 650 feet east of the site at 1212 Oakland Road, is the next closest sensitive receptor.

The existing noise environment in the project vicinity results primarily from vehicular traffic along Charles Street, Old Bayshore Highway, and Oakland Road, industrial land uses including the site's operations, and distant transportation-related noise attributable to traffic on US Highway 101 and San José Mineta International Airport. A noise monitoring survey was completed between October 7th and October 9th, 2014 to quantify the existing noise environment at the nearest noise-sensitive receptors. Two long-term unattended noise measurements and two short-term attended measurements were made at representative locations to complete the noise monitoring survey. Noise measurement locations are shown on Figure 4.12-1.

Long-term noise measurement LT-1 was made at the southeast corner of the project site above the existing noise barrier that separates the project site from the nearest receptors. The primary noise source at this location was traffic on Charles Street. Noise levels from existing waste processing operations were only measureable in the absence of local traffic noise. Hourly average noise levels ranged from 60 to 75 dBA L_{eq} during the daytime (7:00 AM to 10:00 PM) and from 50 to 70 dBA L_{eq} at night (10:00 PM to 7:00 AM). The day-night average noise level on Wednesday, October 8th, 2014 was 71 dBA DNL.

The second long-term noise measurement, LT-2, was made to represent the noise exposure of residences within the Garden City RV Park located near Charles Street. The sound level meter was located approximately 40 feet from the center of Charles Street and approximately 12 feet above the ground. The primary noise source at this location was traffic on Charles Street. Existing operations on the project site were inaudible at this location due to the acoustical shielding provided by intervening structures. Hourly average noise levels ranged from 62 to 73 dBA L_{eq} during the daytime and from 62 to 72 dBA L_{eq} at night. The day-night average noise level on Wednesday, October 8th, 2014 was 73 dBA DNL.

Short-term noise measurement ST-1 was made near LT-1, but at an elevation of five feet above the ground to represent the ear-height of a receptor within the Garden City RV Park. The 10-minute average noise level measured at this location between 11:20 AM and 11:30 PM on October 9th, 2014 was 57 dBA L_{eq}. The average noise level at this location was predominantly the result of traffic along Charles Street. Background noise levels, representative of the noise levels resulting from existing operation on the site, were 52 dBA L_{90}.

Short-term noise measurement ST-2 was made about 40 feet north of the center of Charles Street adjacent to LT-2 and receptors within the Garden City RV Park. The 10-minute average noise level measured at this location between 11:40 AM and 11:50 AM on October 9th, 2014 was 67 dBA L_{eq}. Truck traffic along Charles Street generated maximum instantaneous noise levels ranging from 70 to 78 dBA L_{max}. Seventeen (17) heavy duty trucks were observed during the 10-minute measurement period. Nineteen (19) autos were observed during the same time period, resulting in noise levels

NOISE MONITORING LOCATIONS FIGURE 4.12-1

ranging from 62 to 66 dBA L_{max}. A 7.5-foot wood fence separates the Garden City RV Park from the project site. Solid noise barriers do not exist between the Garden City RV Park and Charles Street.

4.12.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1, 2, 14
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1, 2, 14
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 14
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 2, 14
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 2
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 2

4.12.2.1 *Operational Noise Impacts (Checklist Question 1 and 3)*

Municipal Code Requirements

The proposed project would increase the permitted throughput of the combined operations on the site and would also increase the hours of operation at 575 Charles Street to 24 hours per day. The primary sources of noise on the project site include the Yardwaste and C&D Processing Operation at Building B, the Single Stream Unloading/Storage Operation at Building C, and truck/heavy-equipment circulation (refer to Figure 3.1-1 for building locations). The Yardwaste and C&D Processing Operation at Building B generated a noise level of 84 dBA L_{eq} at a distance of 50 feet from the west end of the building. This operation also generated a noise level of 76 dBA L_{eq} at a distance of 50 feet from an opening along the south façade of the building. The Single Stream Unloading/Storage Operation at Building C generated a noise level of 83 dBA L_{eq} at a distance of 50 feet. Noise from "point" sources decreases at a rate of six dBA with each doubling of the distance between the noise source and receptor. Structures such as buildings and noise barriers also attenuate

noise. The overall noise level due to on-site processing operations is 53 dBA L_{eq} at the nearest receptors within the Garden City RV Park.

The proposed project will relocate the Yardwaste and C&D Processing Operation to Building H, further from existing receptors at the Garden City RV Park. The Single Stream Unloading, Processing/Storage Operation for mixed-recyclables will then be moved to Building B. With the proposed project, the overall noise level due to on-site processing operations is calculated to be 54 dBA L_{eq} at the nearest receptors within the Garden City RV Park, and would remain below the Zoning Ordinance limit of 55 dBA L_{eq}.

General Plan Requirements

San José General Plan EC-1.3 states that noise generation of new nonresidential land uses shall be mitigated to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses. The existing DNL at the property line of the Garden City RV Park is predominantly the result of traffic along Charles Street and ranges from 71 dBA DNL, at receptors furthest from Charles Street, to 73 dBA DNL, at receptors nearest Charles Street. The calculated DNL noise level attributable to on-site operations (assuming 24-hour operations) is 60 dBA DNL. However, the DNL due to on-site operations does not currently, or will not in the future, measurably contribute to the DNL due to traffic along Charles Street. It would not be possible to reduce noise levels from on-site operation such that overall DNL noise levels would be 55 dBA DNL or less because the Charles Street traffic noise would remain the predominant noise affecting the noise environment at receptors within the Garden City RV Park.

Predicted noise levels from on-site project operations would be less than the 55 dBA L_{eq} noise limit for residential uses, and would not measurably contribute to existing or future DNL noise levels. Therefore, the operational noise from the project would result in a less-than-significant impact upon the nearest noise-sensitive receptors. **(Less Than Significant Impact)**

Project-Generated Traffic

Additional truck traffic resulting from the project would substantially increase noise levels over a permanent basis if the project would; a) cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable" (60 dBA DNL for residential); or b) cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Truck trip generation data was reviewed to calculate project-related traffic noise level increases expected along roadways in the project vicinity. These data included the hourly distribution of existing daily truck trips.

As noted above, noise measurements taken by Illingworth & Rodkin, Inc. indicate that pre-project noise levels at LT-2, representative of the noise exposure of residences within the Garden City RV Park located near Charles Street, are 73 dBA DNL. The additional truck trips attributable to the project are calculated to increase existing noise levels by one dBA DNL, to 74 dBA DNL, at the nearest residences along Charles Street. The permanent increase in noise levels from project traffic is below the three dBA DNL increase that would indicate a significant impact where ambient levels

are 60 dBA DNL or greater, per the City's noise standards. Therefore, the traffic generated by the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, and the impact would be less than significant. **(Less Than Significant Impact)**

4.12.2.2 *Construction Noise and Vibration Impacts (Checklist Question 3 - 4)*

The project does not propose construction or demolition activities. Existing processing and sorting equipment would be relocated or replaced on-site, but no heavy construction equipment will be utilized. For these reasons, the project would not result in significant construction noise and vibration impacts. **(Less Than Significant Impact)**

4.12.2.3 *Areas within Airport Land Use Plan or Private Airstrip (Checklist Questions 5 – 6)*

The project site is not located within an airport land use plan referral area and is located outside the 60 dBA DNL airport noise contour. **(No Impact)**

4.12.3 Conclusion

The proposed project would not result in significant noise impacts. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to the city, the population of San José is 984,299 as of 2013, which included 306,727 households.[16] The city's population is projected to reach 1,216,000 with 401,000 households by the year 2025.[17] The average number of persons per household in San José in 2013 is 3.16 and is projected to decrease slightly to 3.03 by the year 2025.

4.13.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	2
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	2
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	2

4.13.2.1 *Impacts to Population and Housing (Checklist Questions 1 -3)*

The proposed project would not result in the displacement of people or housing. The proposed project would increase operations at a current business in the City, but would not directly induce substantial population growth through the provision of new housing or substantial job growth. As discussed further in *Section 4.17 Utilities and Service Systems*, the extension of new infrastructure is not proposed and, therefore, the project would not indirectly induce substantial population growth through the extension of roads or other infrastructure. **(Less Than Significant Impact)**

4.13.3 Conclusion

The proposed project would have a less than significant impact on population and housing. **(Less Than Significant Impact)**

[16] City of San José, *Fact Sheet: History & Geography, 2013*. http://www.sanjoseca.gov/DocumentCenter/View/780
[17] Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. http://www.sanjoseca.gov/DocumentCenter/View/3326

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Service*

Fire protection for the site is provided by the San José Fire Department (SJFD), which serves a total area of 203 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. The SJFD currently has 35 fire stations through the City.

The closest station to the project site is Station 5, located approximately 0.7 miles west at 1380 N. 10th Street.

4.14.1.2 *Police Service*

Police protection services for the site are provided by the San José Police Department (SJPD). Offices patrolling the project area are dispatched from police headquarters located at 201 West Mission Street.

4.14.1.3 *Schools*

The closest school to the project site is the Challenger School – Berryessa, a private school located at 711 E. Gish Road, roughly 0.25 miles north of the site. The closest public school to the site is Bachrodt Elementary School, located at 102 Sonora Avenue, roughly two miles to the west.

4.14.1.4 *Parks*

The closest park to the project site is Luna Park, located on the north side of Berryessa Avenue, roughly 0.7 miles south of the site.

4.14.1.5 *General Plan*

The *Envision San José 2040 General Plan* includes the following public services policies applicable to the proposed project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.

Policy ES-11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

4.14.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	☐	☐	☒	☐	1, 13
Police Protection?	☐	☐	☒	☐	1, 13
Schools?	☐	☐	☐	☒	1
Parks?	☐	☐	☐	☒	1
Other Public Facilities?	☐	☐	☐	☒	1

4.14.2.2 *Impacts to Public Services and Facilities (Checklist Question 1.a – 1.e)*

Fire and Police Protection Services

The demand for fire and police services is not anticipated to change with implementation of the project, which would increase the throughput at an existing waste processing and resource recovery facility. Fire risks would continue to be minimized by the proper maintenance of equipment and proper materials handling, as required in the Solid Waste Facilities Permit. Security concerns and risks would be limited by lighting and site security procedures. As discussed in *Section 4.8 Hazards and Hazardous Materials*, project operations would adhere to applicable Federal, State, and local regulations. For these reasons, the proposed project would not result in significant impacts to fire and police protection services in the City. **(Less Than Significant Impact)**

Schools

The proposed project is not a student-generating use (i.e., housing) and, therefore, would not impact schools. **(No Impact)**

Parks

The proposed increase in throughput at an existing waste processing facility would not increase the use of local parks. **(No Impact)**

Other Public Facilities

The proposed project would not increase the use or otherwise affect other public facilities (e.g., libraries) in the project area. **(No Impact)**

4.14.3 Conclusion

The proposed project would have a less than significant impact on public services in the City of San José. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Setting

The City of San José provides parklands, open space, and community facilities for public recreation and community services. The closest park to the project site is Luna Park, located on the north side of Berryessa Avenue, roughly 0.7 miles south of the site.

4.15.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	1
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	1

4.15.2.1 *Impacts to Recreational Facilities (Checklist Questions 1 - 2)*

The proposed increase in throughput at an existing waste processing facility would not increase usage of existing recreational facilities and would not require the construction or expansion of recreational facilities. **(No Impact)**

4.15.3 Conclusion

The proposed project would not adversely affect recreational facilities in the project area. **(No Impact)**

4.16 TRANSPORTATION

The following discussion is based, in part, upon a trip generation study prepared by *Hexagon Transportation Consultants* in September 2014. This report is provided as Appendix F of this Initial Study.

4.16.1 Setting

The project site is located at 575 and 625 Charles Street in the City of San José. Local access to the site is provided by Charles Street and Oakland Road (refer to Figure 2.2-2). Charles Street is a two-lane roadway that terminates at the railroad tracks that form the western boundary of the project site. Oakland Road is a five-lane roadway with a center turn lane located east of the project site. Regional access is provided by Interstate 880. Pedestrian access to the site is provided by sidewalks on Charles Street. Site access is provided via six driveways, with three driveways each the 575 and 625 Charles Street properties.

4.16.1.1 *Existing Truck Trips*

The two existing facilities are currently permitted to process a total of up to 2,500 tons of material per day, 2,000 tons at 625 Charles Street and 500 tons at 575 Charles Street. Because traffic from waste processing and resource recovery operations is highly facility dependent, truck scale and trip data for two complete months (October 2013 and February 2014) were reviewed to determine existing truck trips associated with the facilities. The truck trip data from these two randomly selected months represent typical traffic conditions at the site. The site currently generates an average of 552 truck trips per day. This includes both inbound and outbound trips.

4.16.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1
5. Result in inadequate emergency access?	☐	☐	☐	☒	1
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	1

4.16.2.1 *Project Transportation Impacts (Checklist Questions 1, 2 and 4)*

Trip Generation and Level of Service (LOS) Effects

The proposed increase in throughput would be exclusively MSW materials. Currently, MSW is processed at the 625 Charles Street facility and not at the 575 Charles Street Facility. 625 Charles Street is currently permitted to receive 2,000 tons per day. For this reason, the proposed 1,000 tons per day increase in MSW would result in a 50 percent increase in truck trips associated with MSW collection and processing. Of the existing 552 daily trucks trips generated by the site, 512 are associated with MSW. A 50 percent increase would therefore represent 256 new truck trips per day at the site.

The truck data used to generate these estimates includes a detailed distribution of inbound and outbound truck trips by time of day. Approximately 6.5 percent of daily trips occur during the AM peak hour (the most congested one-hour period between the hours of 7:00 AM and 9:00 AM) and about 3.5 percent of daily trips occur during the PM peak hour (the most congested one-hour period between the hours of 4:00 PM and 6:00 PM). Based on the existing trip distribution throughout the day, expanding MSW processing by 50 percent at the site would result in 17 new truck trips during the AM peak hour of traffic, and nine new truck trips during the PM peak hour of traffic.

The City of San Jose does not require an intersection level of service analysis for projects that meet the exemption criteria identified in the City of San Jose Level-of-Service Policy (Council Policy 5-3),

which applies to land uses that generate fewer than 25 peak hour trips. For these small projects, trip generation studies, such as the one prepared for this project, typically are prepared. The reason the City typically does not require an intersection level of service analysis for "small" projects is because once the project-generated peak hour trips are assigned to the roadway network based on the inbound/outbound splits, the trips disperse and the number of new trips added to any intersection is effectively negligible. This approach to intersection level of service analysis is standard procedure in the City of San Jose.

Operational Effects

US 101/Oakland Road Interchange

The City of San Jose has identified operational problems along the Oakland Road corridor at the US 101 interchange, which are due primarily to the capacity constraints of the interchange. As a result, the City has identified two key capital improvement projects: 1) modification of the US 101/Oakland Road interchange, including improvements to the Oakland Road/Commercial Street intersection, and 2) construction of a new US 101/Mabury Road interchange. To fund these interchange improvements, the City has developed the US 101/Oakland/Mabury Transportation Development Policy (TDP). As part of the Policy, a fee to fund the planned interchange improvements has been adopted. Any project that would add traffic to the US 101/Oakland Road interchange is required to participate in the TDP program. The fee for the US 101/Oakland/Mabury TDP is based on the number of PM peak hour vehicular trips that a project would add to the US 101/Oakland Road interchange. Based on 2012 CMP count data, the PM peak hour of traffic at the US 101/Oakland Road interchange is 4:30 - 5:30 PM.

The signalized intersections of Oakland Road/US 101 (South), Oakland Road/US 101 (North), and Oakland Road/Commercial Street make up the US 101/Oakland Road interchange. Field surveys were conducted on Oakland Road to determine the number of trucks associated with the site that currently pass through the US 101/Oakland Road interchange during the PM peak hour of traffic. The truck counts were conducted on Tuesday July 22 and Wednesday July 23 at the intersections of Oakland Road/Charles Street and Oakland Road/Commercial Street. While the majority of trucks use 13th Street and 15th Street to access the site via Old Bayshore Highway to and from the west (based on observations), the counts show that an average of six trucks pass through the interchange during the PM peak hour of traffic. Using the 50 percent increase assumed in the trip generation analysis, it is estimated that the proposed project would add three truck trips to the interchange during the PM peak hour. The project would be required to pay a fair share contribution toward the planned interchange improvements, and thus would not result in significant traffic impacts at this interchange.

Oakland Road/Charles Street Intersection

Field observations show an average of eight trucks use the Oakland Road/Charles Street intersection to access the site during the PM peak hour of traffic. Based on the existing truck count, it is estimated that the proposed project would add four truck trips to the Oakland Road/Charles Street intersection during the PM peak hour, on average. A Transportation Impact Analysis (TIA) prepared for a previous expansion of the 625 Charles Street facility in 2004 recommended that the project make a fair share contribution toward a new traffic signal at the Oakland Road/Charles Street

intersection based on the number of new trips that would be added to the intersection, and the contribution was made by the applicant. A traffic signal would provide a protected left turn movement for vehicles turning left from Charles Street onto northbound Oakland Road. However, installation of a traffic signal would require some additional right-of-way that will not become available until the northwest corner of the intersection is redeveloped. For this reason, installation of a traffic signal is not feasible at this time. The project applicant will coordinate with City of San Jose staff to determine an appropriate fair share contribution toward a future traffic signal at this intersection that would be required as a result of the project.

Truck Queuing

The proposed facility would continue to include procedures to prevent excessive truck queues at the site entrances. Scale house operators actively monitor truck traffic and on-site queuing. There is adequate storage space on-site for the vehicle queues that develop under most conditions at the site's easternmost driveway, which operates as the primary entrance for incoming trucks. If by chance a backup at the scales reaches Charles Street, the scale operators are instructed to contact a supervisor who then mobilizes a team of traffic monitors. If there is no simple solution, some of the inbound trucks are rerouted to use the outbound scale to reduce processing time. In these instances, outbound trucks are rerouted to the outbound scale located at the westernmost driveway of the 625 Charles Street property. With implementation of these standard procedures, the project would not result in excessive truck queuing. **(Less Than Significant Impact)**

Air Traffic Patterns (Checklist Question 3)

The project site is not located within the Norman Y. Mineta San José International Airport influence area or safety zones and does not require Federal Aviation Administration (FAA) airspace review. The project would not result in changes in air traffic patterns. **(No Impact)**

Emergency Response (Checklist Question 5)

The proposed project would not interfere with emergency response access on adjacent public roads. While equipment would be relocated within the site, the proposed project would have no effect on emergency access. The project would not result in inadequate emergency access. **(No Impact)**

Transit, Pedestrian, and Bicycle Facilities (Checklist Question 6)

The project would not alter or increase the use of transit, pedestrian, or bicycle facilities in the project area. The project, therefore, would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. **(No Impact)**

4.16.3 Conclusion

The proposed project would have a less than significant transportation impact. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Service*

The City of San José owns and maintains the water mains adjacent to the project site. There is an existing eight-inch potable water main in Charles Street. The nearest recycled water main is located in Oakland Road.

4.17.1.2 *Sanitary Sewer/Wastewater Treatment*

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility), located near Alviso. The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility cleans an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[18]

The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the State Water Resources Control Board and the Regional Water Quality Control Board concerns over the effects of additional freshwater discharges from the Facility on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into San Francisco Bay after treatment which removes 99 percent of impurities to comply with State regulations.

The City of San José owns and maintains the sanitary sewer system which serves the project site. The project site currently drains into a 12-inch sewer line in Charles Street.

4.17.1.3 *Storm Drainage System*

Runoff on the site is conveyed to the municipal storm water system in Charles Street before ultimately being discharge to the Guadalupe River. Runoff from the western portion of the 625 Charles Street property is directed into a filtration system prior to discharge into the City's sanitary sewer system.

4.17.1.4 *Solid Waste*

Waste collection and recycling services are available to most businesses from private companies franchised by the City of San José.

The California Integrated Waste Management Act (AB 939) passed in 1989 required jurisdictions to divert 50 percent of solid waste from landfills by the year 2000. The City of San José has exceeded

[18] City of San José, San José-Santa Clara Regional Wastewater Facility, http://www.sanjoseca.gov/?nid=1663.

this requirement, diverting over 60 percent of solid waste from landfills in recent years. Recently, the State has tasked the California Department of Resources Recycling and Recovery (CalRecycle) with developing strategies to reach a 75 percent waste diversion rate statewide by the year 2020. Similarly, the City of San José adopted a Zero Waste Resolution in October 2007 which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City currently sends 700,000 tons per year of solid waste to landfills. Two solid waste processing and resource recovery facilities currently operate on the project site.

4.17.1.5 *General Plan*

The *Envision San José 2040 General Plan* includes the following utility and service system policies applicable to the proposed project:

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS-19.3: Expand the use of recycled water to benefit the community and the environment.

Policy MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

4.17.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1, 13

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1, 13
5. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1, 13
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1, 13
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☒	☐	1

4.17.2.1 *Water Service Impacts (Checklist Question 4)*

Water usage on the site consists mainly of bathroom and kitchen use by employees. Limited amounts of water are also used as part processing operations for dust and odor control. The proposed project would increase the amount of solid waste processed at the site. As a result, water use at the site would increase incrementally. The General Plan FEIR determined that the three water suppliers for the City could serve planned growth until 2025. The project site is served by San José Municipal Water System. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including the expansion of the recycled water system and implementation of water conservation measures. The General Plan FEIR concluded that implementation of these policies and existing regulations would ensure full build out under the General Plan would not exceed available water supply. The proposed project is consistent with development assumptions in the General Plan and, therefore, would have a less than significant impact on the City's water supply. **(Less Than Significant Impact)**

4.17.2.2 *Wastewater Services Impacts (Checklist Question 1 - 2 and 5)*

The proposed project would increase the amount of solid waste processed at the site. As a result, waterwater discharge at the site would increase incrementally. Based on the General Plan FEIR, the City's average dry weather wastewater flow is approximately 69.8 million gallons per day (mgd). The City's capacity allocation at the San José-Santa Clara Regional Wastewater Facility is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment

capacity. Full build out under the General Plan would increase average dry weather flows by 30.8 mgd, which would not exceed the City's allocated treatment capacity. The proposed project is consistent with development assumptions in the General Plan and would have a less than significant impact on wastewater services. **(Less Than Significant Impact)**

4.17.2.3 *Storm Drainage Impacts (Checklist Question 3)*

The project would not increase the amount of impervious surfaces on the site. As discussed in *Section 4.9 Hydrology and Water Quality* of this Initial Study, the project includes implementation of SWPPPs at both the 575 and 625 Charles Street properties. These SWPPPs were developed to ensure compliance with all applicable stormwater regulations. With implementation of the SWPPPs the project would not exceed stormwater treatment requirements of RWQCB, nor would it require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. **(Less Than Significant Impact)**

4.17.2.4 *Solid Waste Impacts (Checklist Question 6)*

The project would combine two existing waste processing facilities and increase the overall amount of solid waste processed on the site. The proposed project would provide for the diversion of MSW from landfills and increase the amount of waste in San Jose that is recycled and composted. The project would not result in an increase in solid waste being disposed of in landfills. The residual waste that is not recycled or composted would continue to be disposed of in landfills in Santa Clara County. There is sufficient permitted capacity at these landfills to accommodate the project's solid waste disposal needs. The General Plan FEIR concluded that the increase in waste generated by full build out of the General Plan would not cause the City to exceed the capacity of existing landfills. The proposed project is would not change the development assumptions in the General Plan and, therefore, would have a less than significant impact on solid waste. **(Less Than Significant Impact)**

4.17.3 Conclusion

The project would not result in a utility or service facility exceeding current capacity or require the construction of new infrastructure or service facilities. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	1-15
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-15
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-15
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-15

4.18.1 Project Impacts (Checklist Question 1)

The proposed project would increase the amount of solid waste that is diverted from landfills and increase the amount of waste in San Jose that is recycled and composted, providing an overall environmental benefit. As described throughout the Initial Study, the project includes standard measures and procedures to reduce impacts to the extent feasible, and would not result in any significant environmental impacts.

4.18.2 Cumulative Impacts (Checklist Question 2)

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the

effects of past projects, the effects of other current projects, and the effects of probable future projects."

The project would not impact agricultural, forestry, trees, cultural, mineral, population and housing, or recreational resources. Therefore, the project would not contribute to cumulative impacts to these resources.

There are no planned or proposed developments in the immediate project site vicinity that could contribute to cumulative aesthetic, air quality, noise and vibration, and transportation impacts. The project would add traffic to two impacted intersections in the project vicinity. The project would be required to pay fair share contributions to future improvements at these intersections.

The project's, geology and soils and hazardous materials impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. Implementation of the project would marginally contribute to global GHG emissions, by definition. However, as discussed in Section 3. 7 Greenhouse Gas Emissions, the project's individual GHG emissions would have a less than significant (cumulative) GHG impact.

The proposed project is consistent with the development assumptions in the General Plan. Further, the proposed project would increase the amount of solid waste that is diverted from landfills and increase the amount of waste in San Jose that is recycled and composted. For these reasons, the project would not result in significant cumulative impacts.

4.18.3 Short-term vs Long-term Environmental Goals (Checklist Question 3)

The project would increase the amount of waste diverted from landfills, which is a long-term environmental goal of the City as expressed in the Green Vision. The proposed project would not advance short-term environmental goals to the disadvantage of long-term environmental goals.

4.18.4 Direct or Indirect Adverse Effects on Human Beings (Checklist Question 4)

With the implementation of standard measures and procedures described in this Initial Study, the proposed project would not result in substantial adverse effects on human beings.

4.18.5 Conclusion

With implementation of standard measures and procedures described in this Initial Study, the proposed project would have a less than significant impact on the environment. **(Less Than Significant Impact)**

Checklist Sources

1. CEQA Guidelines – Environmental Thresholds (Professional judgment and expertise and review of project plans).

2. City of San José, *Envision San José 2040 General Plan*, 2011.

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10. Federal Emergency Management Agency, Flood Insurance Rate Maps, Community Panel Number 06085C0232H, May 18, 2009.

11. Association of Bay Area Governments, *Bay Area Dam Failure Inundation Hazards*, October 5, 2009. http://www.abag.ca.gov/bayarea/eqmaps/damfailure/

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